



March 10, 2023

ENGROSSED HOUSE BILL No. 1318

DIGEST OF HB 1318 (Updated March 8, 2023 4:29 pm - DI 149)

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.

Miller D, Bartels, O'Brien

(SENATE SPONSOR — BUCK)

January 12, 2023, read first time and referred to Committee on Judiciary.
January 26, 2023, reported — Do Pass.
January 30, 2023, read second time, ordered engrossed.
January 31, 2023, engrossed. Read third time, passed. Yeas 98, nays 0.

SENATE ACTION

February 27, 2023, read first time and referred to Committee on Judiciary.
March 9, 2023, amended, reported favorably — Do Pass.

EH 1318—LS 6972/DI 75



March 10, 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.

ENGROSSED 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

EH 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 2-3-5-1 IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2023]: Sec. 1. Whenever a:

- 12 (1) party to a civil action;
 13 (2) defendant in a criminal action; or
 14 (3) party in an administrative adjudication before a state or local
 15 governmental entity;

16 ~~shall,~~ in person or by attorney, ~~move~~ **moves** the court or other
 17 governmental entity before which ~~such the~~ action is pending for a
 18 continuance on the grounds that ~~said the~~ party or defendant, or ~~his or~~
 19 **her the party's or defendant's** attorney, is a member of the general
 20 assembly, ~~of the state of Indiana,~~ the court or other governmental entity
 21 shall grant ~~such the~~ motion for a continuance to a date not sooner than
 22 thirty (30) days following the date of adjournment of the session of the
 23 general assembly during which ~~such the~~ cause of action has been set
 24 or rule has been made returnable.

25 SECTION 4. IC 3-6-5.2-1, AS AMENDED BY THE TECHNICAL
 26 CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS
 27 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:
 28 Sec. 1. This chapter applies to a county having a population of more
 29 than four hundred thousand (400,000) ~~but and~~ less than seven hundred
 30 thousand (700,000).

31 SECTION 5. IC 4-1-2-2 IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2023]: Sec. 2. Legal action required to be taken
 33 at state offices during the time ~~said those~~ offices are closed ~~pursuant~~
 34 ~~to the provisions of under~~ this chapter can be taken on the next
 35 ~~following day said those~~ offices are open ~~pursuant to the provisions of~~
 36 **under** this chapter. ~~to the same effect as if this chapter had not become~~
 37 ~~law.~~

38 SECTION 6. IC 5-2-2-1 IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2023]: Sec. 1. There is hereby created as a
 40 public body corporate and politic a Law Enforcement Academy
 41 Building Commission. ~~Said~~ **The** commission shall have power to sue
 42 and be sued, plead and be impleaded, adopt and have a corporate seal,



1 make rules and ~~by-laws~~ **bylaws** for the management and regulation of
 2 its affairs, and to do all things necessary or convenient to carry out the
 3 powers given in this chapter.

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

14 SECTION 8. IC 7.1-1-2-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. ~~Construction.~~ This
 16 title is an exercise of the police powers of the state. The classifications
 17 and differentiations made in this title are real and are actually and
 18 substantially related to the accomplishment of the purposes of this title.
 19 The provisions of this title shall be liberally construed so as to
 20 effectuate the purposes of this title.

21 SECTION 9. IC 8-1-2-15 IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2023]: Sec. 15. **(a)** Each public utility shall:

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

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

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

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

37 SECTION 10. IC 9-13-1-4, AS AMENDED BY P.L.128-2015,
 38 SECTION 217, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2023]: Sec. 4. Except as otherwise provided in
 40 this title, a reference in this title to a federal statute or regulation
 41 relating to the National Voter Registration Act of 1993 (52 U.S.C.
 42 20501) is a reference to the statute or regulation as in effect September



1 1, ~~2014~~. **2022**.

2 SECTION 11. IC 10-10.5-4-2, AS ADDED BY P.L.86-2022,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2023]: Sec. 2. Section 1 of this chapter does not prohibit the
5 broadcast or disclosure of identifying information other than a Social
6 Security number to the public by other means, including news reports,
7 press conferences, silver or Amber alerts, wanted notices, ~~Internet web~~
8 ~~site website~~ postings, and similar methods specifically intended to
9 inform the public.

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

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

- 20 (1) One (1) copy retained by and filed in the division.
21 (2) One (1) copy filed with the ~~state~~ auditor **of state**.
22 (3) One (1) copy filed in the office of the county recorder.
23 (4) One (1) copy given to the recipient.

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

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

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

- 37 (1) Mail.
38 (2) ~~Fax~~. **Facsimile transmission**.
39 (3) Telephone.
40 (4) Electronic mail.

41 SECTION 16. IC 15-17.5-3-1, AS AMENDED BY THE
42 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL



1 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2023]: Sec. 1. (a) The center shall facilitate the coordination
3 of regulatory duties of the state board and the board upon the approval
4 of each respective entity, as set forth in a ~~memoranda~~ **memorandum**
5 of understanding or other agreement.

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

9 SECTION 17. IC 16-19-4-6, AS AMENDED BY P.L.130-2021,
10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2023]: Sec. 6. The state health commissioner is entitled to
12 receive a salary in an amount to be fixed by the governor and the ~~state~~
13 budget agency.

14 SECTION 18. IC 20-26-5-32.4, AS ADDED BY P.L.93-2009,
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2023]: Sec. 32.4. The department of education shall create a
17 document explaining aspects of autism including behaviors that
18 students with autism may exhibit. ~~Said~~ **This** document ~~is to~~ **shall** be
19 distributed to school corporations for distribution to noncertificated
20 employees (as defined in IC 20-29-2-11).

21 SECTION 19. IC 21-28-5-13, AS ADDED BY P.L.2-2007,
22 SECTION 269, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2023]: Sec. 13. (a) The higher education
24 statewide telecommunications fund is established as a special and
25 distinct fund. Expenditures from the fund may be made only for the
26 following:

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

30 (2) Studies regarding the possibilities of extending the use of the
31 transmission system:

32 (A) to state educational institutions or private postsecondary
33 educational institutions in Indiana that are not participating
34 educational institutions; and

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

36 (3) The expenses of coordinating, planning, and supervising the
37 use of the transmission system and the information in the
38 designated electronic format.

39 (4) Equipment for the originating and receiving of instructional
40 communication and educational information by means of the
41 transmission system and the information in the designated
42 electronic format.



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

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

7 SECTION 20. IC 22-2-6-1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Any direction
 9 given by an employee to an employer to make a deduction from the
 10 wages to be earned by ~~said the~~ employee, after ~~said the~~ direction is
 11 given, shall constitute an assignment of the wages of ~~said the~~
 12 employee.

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

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

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

17 SECTION 21. IC 23-5-1-7 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. The trust instrument
 19 by which any business trust was created may be amended in the manner
 20 specified ~~therein in the trust instrument~~ or in ~~such any~~ manner ~~as~~
 21 ~~that~~ is valid under the common or statutory law applicable to ~~such the~~
 22 business trust. ~~provided, that no such~~ **An** amendment adopted
 23 ~~subsequent to~~ **after** the preliminary filings required by section 4 of this
 24 chapter ~~shall be~~ **is not** legally effective in ~~this state~~ **Indiana** until:

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

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

28 (3) a file-marked copy ~~thereof of the amendment~~ **is** recorded in
 29 the office of the county recorder of the county in which the
 30 principal office of ~~said the~~ business trust in ~~this state~~ **Indiana** is
 31 located.

32 SECTION 22. IC 24-1-1-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. ~~From and after April~~
 34 ~~14, 1897,~~ All arrangements, contracts, agreements, trusts, or
 35 combinations between persons or corporations who control the output
 36 of any article of merchandise, made with a view to lessen, or which
 37 tend to lessen, full and free competition in the importation or sale of
 38 articles imported into ~~this state,~~ **Indiana**, and all arrangements,
 39 contracts, agreements, trusts, or combinations between persons or
 40 corporations who control the output of ~~said the~~ article of merchandise,
 41 designed, or which tend to advance, reduce, or control the price or the
 42 cost to the producer or to the consumer of any such product or article,



1 are ~~hereby~~ declared to be against public policy of **Indiana**, unlawful,
2 and void.

3 SECTION 23. IC 25-4-1-27 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 27. ~~No~~ A firm,
5 partnership, or corporation ~~shall~~ **may not** engage in the practice of
6 architecture unless the work is under the full authority and responsible
7 charge of a registrant who is also a principal of the firm, or partnership
8 or officer of the corporation. The name of ~~said the~~ registrant ~~shall~~ **must**
9 appear ~~whenever~~ **whenever** the firm name is used in the professional
10 practice of the firm, partnership, or corporation.

11 SECTION 24. IC 26-1-5.1-109 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 109. (a) If a
13 presentation is made that appears on its face strictly to comply with the
14 terms and conditions of the letter of credit, but a required document is
15 forged or materially fraudulent, or honor of the presentation would
16 facilitate a material fraud by the beneficiary on the issuer or applicant:

17 (1) the issuer shall honor the presentation, if honor is demanded
18 by:

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

21 (ii) a confirmer who has honored its confirmation in good
22 faith;

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

26 (iv) an assignee of the issuer's or nominated person's deferred
27 obligation that was taken for value and without notice of
28 forgery or material fraud after the obligation was incurred by
29 the issuer or nominated person; and

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

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

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

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



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

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

7 SECTION 25. IC 27-1-1-1 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. **(a)** There is hereby
9 created a department ~~in of~~ the state ~~government of the state of~~ **Indiana**
10 ~~which shall be~~ known as the department of insurance. ~~Said~~ **The**
11 department shall:

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

15 **(2)** have charge of the enforcement, administration, and execution
16 of the provisions of this title and the provisions of any other
17 statute applicable to insurance companies, to the insurance
18 department, or to the insurance commissioner; and ~~shall~~

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

22 **(b) Whenever** any statute **imposes or confers on the department**
23 any right, power, or duty, is ~~imposed or conferred on the department;~~
24 the right, power, or duty ~~so~~ imposed or conferred shall be possessed
25 and exercised by the insurance commissioner, unless:

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

27 **(2) the** right, power, or duty is delegated to the duly appointed
28 deputies, assistants, or employees of the department, or any of
29 them, by an appropriate rule or order of the insurance
30 commissioner.

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



1 SECTION 27. IC 29-1-1-6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. **(a)** When any judge
 3 or ~~his the judge's~~ spouse ~~shall be~~ **is** related within the third degree of
 4 consanguinity, according to the civil law, to any of the parties or their
 5 attorneys, shall have drawn the will of the decedent, or shall be
 6 interested or have been counsel in any probate proceeding or any
 7 matter ~~therein, in the proceeding~~, the same shall be grounds for
 8 disqualifying ~~such the~~ judge from acting in a controverted matter with
 9 respect to which ~~his the judge's~~ disqualification exists.

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

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

13 **(2)** upon filing of a petition to disqualify ~~such the~~ judge, stating
 14 the grounds ~~therefor, for the disqualification~~, by any person
 15 interested in the particular matter with respect to which ~~his the~~
 16 **judge's** disqualification exists;

17 the judge ~~must may~~ not act ~~therein, in the proceeding~~.

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

22 SECTION 28. IC 30-1-6-3 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. **(a)** In compliance
 24 with the terms of the order for the sale of ~~said the~~ oil and gas, coal, or
 25 other mineral lease, ~~said the~~ administrator, executor, or guardian shall
 26 **do the following:**

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

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

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

33 **(B)** The term of years ~~thereof, of the lease~~.

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

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

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

39 **(b)** The court having probate jurisdiction shall, ~~thereupon, upon~~
 40 **the filing of the report**, without further notice, ~~be heard by the court~~
 41 **having probate jurisdiction and hold a hearing on the report**. If the
 42 court finds that: ~~said~~



1 (1) the sale was properly conducted as ~~herein~~ provided in **this**
 2 **chapter**; and ~~that~~
 3 (2) the price bid for ~~said the~~ lease was not disproportionate to the
 4 value ~~thereof~~; ~~said of the lease~~;
 5 **the court shall confirm the sale. shall be confirmed and said The**
 6 **court shall also authorize and direct the** administrator, executor, or
 7 guardian ~~authorized and directed~~ to execute and deliver ~~said the~~ lease.
 8 ~~and when said~~ **After the** lease is executed, the judge shall ~~indorse his~~
 9 **endorse the judge's approval thereon: on the lease.**
 10 SECTION 29. IC 31-12-2-2, AS AMENDED BY THE
 11 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL
 12 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2023]: Sec. 2. For:
 14 (1) any judicial circuit in which there is located a consolidated
 15 city, the judges described in section 1(1) of this chapter may
 16 establish a bureau of the courts; and
 17 (2) a county having a population of more than four hundred
 18 thousand (400,000) ~~but and~~ less than seven hundred thousand
 19 (700,000), the judge of the circuit court may establish a bureau of
 20 the court;
 21 known as the "Domestic Relations Counseling Bureau".
 22 SECTION 30. IC 32-30-7-20 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 20. (a) This section
 24 applies to an indecent nuisance complaint under this chapter filed by
 25 a private person.
 26 (b) The court shall not voluntarily dismiss the complaint unless:
 27 (1) the complainant and the complainant's attorney file a sworn
 28 statement setting forth the reason why the action should be
 29 dismissed; and
 30 (2) the dismissal is approved in writing or in open court by the
 31 prosecuting attorney of the circuit in which the alleged indecent
 32 nuisance is located.
 33 (c) If the judge believes that the action should not be dismissed, the
 34 judge may direct the prosecuting attorney to prosecute the action to
 35 judgment at the expense of the county.
 36 (d) If:
 37 (1) the action is brought by a private person;
 38 (2) the court finds that there were no reasonable grounds or
 39 probable cause for bringing ~~said the~~ action; and
 40 (3) the case is dismissed either:
 41 (A) for the reason described in subdivision (2) before trial; or
 42 (B) for want of prosecution;



1 the costs may be taxed to the person who brought the case.
 2 SECTION 31. IC 33-35-2-5, AS AMENDED BY THE
 3 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL
 4 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2023]: Sec. 5. The city court of each of the five (5) cities
 6 having the largest populations and the town court of the town having
 7 the largest population in a county having a population of more than
 8 four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
 9 thousand (700,000) have concurrent civil jurisdiction with the circuit
 10 court of the county where the amount in controversy does not exceed
 11 six thousand dollars (\$6,000). The court has jurisdiction in any action
 12 where the parties or the subject matter are in the county in which the
 13 city or town is located. However, the city or town court does not have
 14 jurisdiction in:
 15 (1) actions for slander or libel;
 16 (2) matters relating to decedents' estates, appointment of
 17 guardians, and all related matters;
 18 (3) dissolution of marriage actions; or
 19 (4) injunction or mandate actions.
 20 SECTION 32. IC 34-13-3-24, AS AMENDED BY THE
 21 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL
 22 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 24. ~~(a)~~ There is appropriated from the state
 24 general fund sufficient funds to:
 25 (1) settle claims and satisfy tort judgments obtained against the
 26 state;
 27 (2) pay interest on claims and judgments; and
 28 (3) subject to approval by the budget director, pay:
 29 (A) liability insurance premiums; and
 30 (B) expenses incurred by the attorney general in employing
 31 other counsel to aid in defending or settling claims or civil
 32 actions against the state.
 33 SECTION 33. IC 35-44.1-3-10, AS AMENDED BY THE
 34 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL
 35 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2023]: Sec. 10. (a) The following definitions apply throughout
 37 this section:
 38 (1) "Lawful supervision" means supervision by:
 39 (A) the department of correction;
 40 (B) a court;
 41 (C) a probation department;
 42 (D) a community corrections program, a community transition



- 1 program, or another similar program; or
 2 (E) parole.
 3 (2) "Service provider" means:
 4 (A) with respect to a person subject to lawful detention:
 5 (i) a public servant;
 6 (ii) a person employed by a governmental entity; or
 7 (iii) a person who provides goods or services to a person
 8 who is subject to lawful detention; and
 9 (B) with respect to a person subject to lawful supervision:
 10 (i) a public servant whose official duties include the
 11 supervision of the person subject to lawful supervision;
 12 (ii) a person employed by a governmental entity to provide
 13 supervision for the person subject to lawful supervision; or
 14 (iii) a person who is employed by or contracts with a
 15 governmental entity to provide treatment or other services to
 16 the person subject to lawful supervision as a condition of the
 17 person's lawful supervision.
 18 (b) A service provider who knowingly or intentionally engages in
 19 sexual intercourse or other sexual conduct (as defined in
 20 IC 35-31.5-2-221.5) with a person who is subject to lawful detention
 21 or lawful supervision commits sexual misconduct, a Level 5 felony.
 22 (c) A service provider at least eighteen (18) years of age who
 23 knowingly or intentionally engages in sexual intercourse or other
 24 sexual conduct (as defined in IC 35-31.5-2-221.5) with a person who
 25 is:
 26 (1) less than eighteen (18) years of age; and
 27 (2) subject to lawful detention or lawful supervision;
 28 commits sexual misconduct, a Level 4 felony.
 29 (d) In addition to any other penalty imposed for a violation of this
 30 section, the court shall order the person to pay restitution under
 31 IC 35-50-5-3 for expenses related to pregnancy and childbirth if the
 32 pregnancy is a result of the offense.
 33 (e) It is not a defense that an act described in subsection (b) or (c)
 34 was consensual.
 35 (f) This section does not apply to sexual intercourse or other sexual
 36 conduct (as defined in IC 35-31.5-2-221.5) between spouses.
 37 SECTION 34. IC 36-9-43-9, AS ADDED BY P.L.229-2017,
 38 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2023]: Sec. 9. (a) This section applies only to a regional
 40 development authority created or established after June 30, 2017.
 41 (b) The Indiana finance authority shall create the regional
 42 development authority infrastructure fund for the purpose of allowing



1 a regional development authority to finance or contribute to the
2 financing of regional transportation infrastructure projects.

3 (c) The fund is administered by the Indiana finance authority. The
4 Indiana finance authority shall create an account within the fund for
5 each regional development authority established under IC 36-7.5 or
6 IC 36-7.6.

7 (d) A person, including a political subdivision, may make a
8 contribution or gift to the fund. Any expenditure from the account must
9 be approved by the regional development authority that holds the
10 account within the fund and must be expended for regional
11 transportation infrastructure projects in cooperation with the Indiana
12 department of transportation.

13 (e) An expenditure from the fund may be used to supplement
14 financing from the Indiana department of transportation for regional
15 transportation infrastructure projects.

16 (f) The Indiana finance authority shall invest money from the fund
17 in one (1) or more fiduciary accounts with a trustee that is a financial
18 institution. A trustee may make an investment under this subsection in
19 accordance with a trust agreement or indenture and may permit
20 disbursements by the trustee to:

- 21 (1) the Indiana finance authority;
- 22 (2) the Indiana department of transportation;
- 23 (3) the ~~state~~ budget agency; or
- 24 (4) any other person provided for in the trust agreement or
25 indenture.

26 (g) Interest or other income earned on money in the fund becomes
27 part of the fund.

28 (h) Expenses incurred in the administration of the fund are to be
29 paid from the fund.

30 (i) A person who makes a contribution or gift to the fund is entitled
31 to a deduction from the taxpayer's adjusted gross income for the taxable
32 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

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1318, 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 2, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 3. IC 2-3-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. Whenever a:

- (1) party to a civil action;
- (2) defendant in a criminal action; or
- (3) party in an administrative adjudication before a state or local governmental entity;

~~shall~~, in person or by attorney, ~~move~~ **moves** the court or other governmental entity before which ~~such the~~ action is pending for a continuance on the grounds that ~~said the~~ party or defendant, or ~~his or her the party's or defendant's~~ attorney, is a member of the general assembly, ~~of the state of Indiana~~, the court or other governmental entity shall grant ~~such the~~ motion for a continuance to a date not sooner than thirty (30) days following the date of adjournment of the session of the general assembly during which ~~such the~~ cause of action has been set or rule has been made returnable."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1318 as printed January 26, 2023.)

BROWN L, Chairperson

Committee Vote: Yeas 10, Nays 0.

EH 1318—LS 6972/DI 75

