

Special Session 120th General Assembly (2018)(ss)

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 Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1457(ss)

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AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 4-4-38-7, AS ADDED BY P.L.177-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) Subject to:

- (1) subsection (b);
- (2) section 8 of this chapter; and
- (3) IC 4-4-9.7-9(f);

the office shall establish procedures for awarding grants from the rural economic development fund established by IC 4-4-9.7-9 to qualified broadband providers for qualified broadband project expenses incurred in connection with qualified broadband projects.

(b) In awarding grants under this chapter, the office shall establish the following priorities:

- (1) First, extending the deployment of qualified broadband service to areas in which:
  - (A) Internet connections are unavailable; or
  - (B) the only available Internet connections provide capacity for transmission at an ~~average~~ **actual** speed of less than ten (10) megabits per second downstream.
- (2) Second, extending the deployment of high speed Internet service to areas in which the only available Internet connections provide capacity for transmission at an ~~average~~ **actual** speed of:
  - (A) not less than ten (10) megabits; and

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(B) not more than twenty-five (25) megabits;  
per second downstream.

(c) Subject to section 11 of this chapter, the office shall publish on the office's Internet web site all grant applications received by the office under this chapter. For each grant application received, the office shall establish a period of at least thirty (30) days from the date the application is published on the office's Internet web site under this subsection, during which time the office will accept comments or objections concerning the application. The office shall consider all comments or objections received under this subsection in making a determination as to whether to award a grant to an applicant under this chapter.

SECTION 2. IC 5-28-30-5, AS AMENDED BY P.L.177-2018, SECTION 8, AND AS AMENDED BY P.L.189-2018, SECTION 50, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. As used in this chapter, "industrial development project" includes the acquisition of land, interests in land, site improvements, infrastructure improvements (including information and high technology infrastructure (as defined in IC 5-28-9-4)), buildings, or structures, rehabilitation, renovation, and enlargement of buildings and structures, machinery, equipment, furnishings, or facilities (or any combination of these), comprising or being functionally related and subordinate to any of the following:

- ~~(1)~~ *A pollution control facility (as defined in IC 4-4-10.9-24).*
- ~~(2)~~ (1) A manufacturing enterprise.
- ~~(3)~~ (2) A business service enterprise involved in:
  - (A) computer and data processing services; or
  - (B) commercial testing services.
- ~~(4)~~ (3) A business enterprise the primary purpose of which is the operation of an education and permanent marketing center for manufacturers and distributors of robotic and flexible automation equipment.
- ~~(5)~~ (4) Any other business enterprise, if the use of the guaranty program creates a reasonable probability that the effect on Indiana employment will be creation or retention of at least fifty (50) jobs.
- ~~(6)~~ (5) An agricultural enterprise in which:
  - (A) the enterprise operates under a producer or growout agreement; and
  - (B) the output of the enterprise is processed predominantly in Indiana.
- ~~(7)~~ (6) A business enterprise that is required by a state, federal, or local regulatory agency to make capital expenditures to remedy a

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violation of a state or federal law or a local ordinance.

~~(7)~~ (7) A recycling market development project.

~~(8)~~ (8) A high growth company with high skilled jobs.

SECTION 3. IC 6-6-4.1-20, AS AMENDED BY P.L.185-2018, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 20. A person subject to the taxes imposed under section 4 of this chapter, **section 4.3 of this chapter (before its repeal)**, and section 4.5 of this chapter (before its repeal) who fails to keep the books and records as required by IC 6-8.1-5 is subject to the penalty imposed under IC 6-8.1-10-4.

SECTION 4. IC 6-6-4.1-21, AS AMENDED BY P.L.185-2018, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 21. A carrier subject to the taxes imposed under section 4 of this chapter, **section 4.3 of this chapter (before its repeal)**, and section 4.5 of this chapter (before its repeal) who fails to file a quarterly report as required by section 10 of this chapter shall pay a civil penalty of three hundred dollars (\$300) for each report that is not filed.

SECTION 5. IC 16-29-7-4, AS ADDED BY P.L.202-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) As used in this chapter, "total comprehensive care bed days available at comprehensive care health facilities" refers to the sum of:

(1) all licensed comprehensive care beds at comprehensive care health facilities in the state that filed a Medicaid cost report; **including plus**

(2) **all licensed comprehensive care beds at** comprehensive care health facilities in the state that only filed a Medicare cost report;

in a reporting year.

(b) The reporting year for each comprehensive care health facility must:

(1) correspond to the same cost report year as the year used to determine the total statewide inpatient days; and

(2) include only the number of calendar days that the comprehensive care health facility was authorized to provide care and was providing services.

(c) The term does not include comprehensive care beds in a hospital licensed under IC 16-21-2.

SECTION 6. IC 16-29-7-5, AS ADDED BY P.L.202-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. As used in this chapter, "total statewide inpatient days" means the sum of:

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**(1) the inpatient days for all payor sources for all comprehensive care health facilities that filed a Medicaid cost report; ~~including~~ plus**

**(2) the inpatient days for all payor sources for all comprehensive care health facilities that only file a ~~Medicaid~~ Medicare cost report;**

for the cost report year two (2) years prior to the year in which a county comprehensive care bed need is published for a review period.

SECTION 7. IC 20-20-8-8, AS AMENDED BY P.L.83-2018, SECTION 1, AS AMENDED BY P.L.186-2018, SECTION 4, AND AS AMENDED BY P.L.192-2018, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6) and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4 *or IC 20-32-4-4.1*.
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
  - (A) All state standardized assessment scores.
  - (B) Scores for assessments under IC 20-32-5-21 (before its expiration on July 1, 2018), if appropriate.
  - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) The school's performance category or designation of school improvement assigned under IC 20-31-8.
- (7) The number and percentage of students in the following groups or programs:
  - (A) Alternative education, if offered.
  - (B) Career and technical education.
  - (C) Special education.
  - (D) High ability.
  - (E) Limited English language proficiency.
  - (F) Students receiving free or reduced price lunch under the national school lunch program.
  - (G) *Students in foster care.*
- (8) Advanced placement, including the following:
  - (A) For advanced placement tests, the percentage of students:
    - (i) scoring three (3), four (4), and five (5); and
    - (ii) taking the test.

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- (B) For the Scholastic Aptitude Test:
- (i) the average test scores for all students taking the test;
  - (ii) the average test scores for students completing the *Indiana diploma with a Core 40 with academic honors diploma designation* program; and
  - (iii) the percentage of students taking the test.
- (9) Course completion, including the number and percentage of students completing the following programs:
- (A) Academic honors *diploma curriculum*.
  - (B) Core 40 curriculum.
  - (C) Career and technical programs.
- (10) The percentage of graduates considered college and career ready in a manner prescribed by the state board.
- (11) School safety, including:
- (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons; *and*
  - (B) the number of incidents reported under IC 20-33-9. *and*
  - ~~(C) the number of bullying incidents reported under IC 20-34-6 by category.~~
- (12) Financial information and various school cost factors required to be provided to the office of management and budget under IC 20-42.5-3-5.
- (13) The number and percentage of each of the following within the school corporation:
- (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).
  - (B) Teachers who teach the subject area for which the teacher is certified and holds a license.
  - (C) Teachers with national board certification.
- (14) The percentage of grade 3 students reading at grade 3 level.
- (15) The number of students expelled, including the percentage of students expelled *disaggregated* by race, grade, gender, free or reduced price lunch status, *and* eligibility for special education, *and students in foster care*.
- (16) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.
- (17) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.
- (18) The number of students who have dropped out of school,

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including the:

(A) reasons for dropping out; *including the and*

(B) percentage of students who have dropped out, *disaggregated* by race, grade, gender, free or reduced price lunch status, ~~and~~ eligibility for special education, *and students in foster care.*

(19) The number of out of school suspensions assigned, including the percentage of students suspended *disaggregated* by race, grade, gender, free or reduced price lunch status, ~~and~~ eligibility for special education, *and students in foster care.*

(20) The number of in school suspensions assigned, including the percentage of students suspended *disaggregated* by race, grade, gender, free or reduced price lunch status, ~~and~~ eligibility for special education, *and students in foster care.*

(21) The number of student work permits revoked.

(22) The number of students receiving an international baccalaureate diploma.

(b) Section 3(a) of this chapter does not apply to the publication of information required under this subsection. This subsection applies to schools, including charter schools, located in a county having a consolidated city, including schools located in excluded cities (as defined in IC 36-3-1-7). A separate report including the information reported under subsection (a) must be:

(1) disaggregated by race, grade, gender, free or reduced price lunch status, ~~and~~ eligibility for special education, *and students in foster care; and must be*

(2) made available on the Internet as provided in section 3(b) of this chapter.

SECTION 8. IC 20-24-5-5, AS AMENDED BY P.L.130-2018, SECTION 87, AND AS AMENDED BY P.L.192-2018, SECTION 8, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) Except as provided in subsections (b), (c), (d), (e), and (f), a charter school must enroll any eligible student who submits a timely application for enrollment.

(b) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The organizer must determine which of the applicants will be admitted to the charter school or the program, class, grade level, or building by random drawing in a public meeting, with each timely applicant limited

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to one (1) entry in the drawing. However, the organizer of a charter school located in a county with a consolidated city shall determine which of the applicants will be admitted to the charter school or the program, class, grade level, or building by using a publicly verifiable random selection process.

(c) A charter school may limit new admissions to the charter school to:

- (1) ensure that a student who attends the charter school during a school year may continue to attend the charter school in subsequent years;
- (2) ensure that a student who attends a charter school during a school year may continue to attend a different charter school held by the same organizer in subsequent years;
- (3) allow the siblings of a student who attends a charter school or a charter school held by the same organizer to attend the same charter school the student is attending; *and*
- (4) allow preschool students who attend a Level 3 or Level 4 Paths to QUALITY program preschool to attend kindergarten at a charter school if the charter school and the preschool provider have entered into an agreement to share services or facilities; *and*
- (5) *allow each student who qualifies for free or reduced price lunch under the national school lunch program to receive preference for admission to a charter school if the preference is specifically provided for in the charter school's charter and is approved by the authorizer.*

(d) This subsection applies to an existing school that converts to a charter school under IC 20-24-11. During the school year in which the existing school converts to a charter school, the charter school may limit admission to:

- (1) those students who were enrolled in the charter school on the date of the conversion; and
- (2) siblings of students described in subdivision (1).

(e) A charter school may give enrollment preference to children of the charter school's founders, governing body members, and charter school employees, as long as the enrollment preference under this subsection is not given to more than ten percent (10%) of the charter school's total population.

(f) A charter school may not suspend or expel a charter school student or otherwise request a charter school student to transfer to another school on the basis of the following:

- (1) Disability.
- (2) Race.

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- (3) Color.
- (4) Gender.
- (5) National origin.
- (6) Religion.
- (7) Ancestry.

A charter school student may be expelled or suspended only in a manner consistent with discipline rules established under IC 20-24-5.5.

SECTION 9. IC 20-28-9-1.5, AS AMENDED BY P.L.170-2018, SECTION 4, AND AS AMENDED BY P.L.191-2018, SECTION 11, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1.5. (a) This subsection governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015. For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan *if under any of the following circumstances:*

- (1) The teacher:
  - (A) teaches an advanced placement course **or** a *Cambridge International course*; or
  - (B) has earned a master's degree from an accredited postsecondary educational institution in a content area directly related to the subject matter of:
    - ~~(1)~~ (i) a dual credit course; or
    - ~~(2)~~ (ii) another course;
 taught by the teacher.
- (2) *Beginning after June 30, 2018, the teacher:*
  - (A) *is a special education professional; or*
  - (B) *teaches in the areas of science, technology, engineering, or mathematics.*

In addition, a supplemental payment may be made to an elementary school teacher who earns a master's degree in *math or reading and math, reading, or literacy*. A supplement provided under this subsection is not subject to collective bargaining, but a discussion of the supplement must be held. Such a supplement is in addition to any increase permitted under subsection (b).

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(b) Increases or increments in a local salary range must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three and one-third percent (33.33%) of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The possession of either:

(i) additional content area degrees beyond the requirements for employment; or

(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

*(c) To provide greater flexibility and options, a school corporation may differentiate the amount of salary increases or increments determined for teachers under subsection (b)(4). A school corporation shall base a differentiated amount under this subsection on any academic needs the school corporation determines are appropriate, which may include the:*

*(1) subject or subjects, including the subjects described in subsection (a)(2), taught by a given teacher;*

*(2) importance of retaining a given teacher at the school corporation; and*

*(3) need to attract an individual with specific qualifications to fill a teaching vacancy.*

*(d) A school corporation may provide differentiated increases or increments under subsection (b), and in excess of the percentage specified in subsection (b)(1), in order to reduce the gap between the school corporation's minimum teacher salary and the average of the school corporation's minimum and maximum teacher salaries.*

~~(e)~~ (e) Except as provided in subsection ~~(d)~~; (f), a teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

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~~(d)~~ (f) Subsection ~~(e)~~ (e) does not apply to a teacher in the first two (2) full school years that the teacher provides instruction to students in elementary school or high school. If a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two (2) full school years under this subsection.

~~(e)~~ (g) A teacher who does not receive a raise or increment under subsection ~~(e)~~ (e) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

~~(f)~~ (h) The Indiana education employment relations board established in IC 20-29-3-1 shall publish a model compensation plan with a model salary range that a school corporation may adopt.

~~(g)~~ (i) Each school corporation shall submit its local compensation plan to the Indiana education employment relations board. For a school year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The Indiana education employment relations board shall publish the local compensation plans on the Indiana education employment relations board's Internet web site.

~~(h)~~ (j) The Indiana education employment relations board shall review a compensation plan for compliance with this section as part of its review under IC 20-29-6-6.1. The Indiana education employment relations board has jurisdiction to determine compliance of a compensation plan submitted under this section.

~~(i)~~ (k) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

~~(j)~~ (l) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.

SECTION 10. IC 20-30-10-5, AS AMENDED BY P.L.191-2018, SECTION 15, AND AS AMENDED BY P.L.192-2018, SECTION 19, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. Notwithstanding any other law, a high school may replace high school courses on the high school transcript with dual credit courses (as defined in IC 21-43-1-2.5),

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*Cambridge International courses*, or advanced placement courses on the same subject matter with equal or greater rigor to the required high school course and may count such a course as satisfying an *Indiana diploma with a Core 40 with academic honors designation* or another *special diploma designation* requirement. A dual credit course must be authorized by an eligible institution (as described in IC 21-43-4-3.5) that is a member of a national dual credit accreditation organization, or the eligible institution must make assurances that the final assessment for the course given for dual credit under this section is substantially equivalent to the final assessment given in the college course in that subject.

SECTION 11. IC 21-12-6-7, AS AMENDED BY P.L.178-2018, SECTION 4, AND AS AMENDED BY P.L.191-2018, SECTION 23, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) Subject to IC 21-12-13-2, a scholarship awarded under section 6 of this chapter or this section may be renewed. To qualify for a scholarship renewal, a scholarship recipient must do the following:

- (1) Submit to the commission a renewal application that contains all the information and evidence required by the commission to determine eligibility for the scholarship renewal.
- (2) Continue to be enrolled as a full-time student in good standing at an eligible institution.
- (3) This subdivision applies only to applicants who initially enroll in the program under section 5 of this chapter or IC 21-12-6.5-2 after June 30, 2011. For purposes of this chapter, applicants who are enrolled in the program before July 1, 2011, will not have an income or financial resources test applied to them when they subsequently apply to renew a scholarship. Continue to have a lack of financial resources reasonably available to the applicant, as defined by the commission, that, in the absence of an award under this chapter, would deter the scholarship applicant from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant.
- (4) Maintain satisfactory academic progress, as determined by the eligible institution.
- (5) *If the student initially enrolls in an eligible institution for an academic year beginning after August 31, 2013, the student successfully completes:*
  - (A) *at least thirty (30) credit hours or the equivalent by the end of the student's first academic year;*

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*(B) at least sixty (60) credit hours or the equivalent by the end of the student's second academic year; and*

*(C) at least ninety (90) credit hours or the equivalent by the end of the student's third academic year.*

*A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years. A recipient who fails to meet the credit hour requirement for a particular academic year becomes ineligible for an award during the next academic year. The recipient may become eligible for an award in subsequent academic years if that recipient meets the aggregate credit hour requirements commensurate with the recipient's academic standing. In addition, the commission may allow a student who is otherwise ineligible under this subdivision for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements of this subdivision. This subdivision expires June 30, 2017.*

*(5) If the student initially enrolls in an eligible institution for an academic year beginning after August 31, 2019, complete a student success program designed by the commission in coordination with eligible institutions.*

(6) Beginning in an academic year beginning after August 31, 2017, the student successfully completes:

(A) at least thirty (30) credit hours or the equivalent during the last academic year in which the student received state financial aid; or

(B) at least thirty (30) credit hours or the equivalent during the last academic year in which the student was enrolled in postsecondary education.

(7) Continue to meet any other minimum criteria established by the commission.

(b) In determining eligibility under subsection (a)(6), the commission shall apply all the following types of credits regardless of whether the credits were completed during the last academic year described in subsection (a)(6)(A) or (a)(6)(B):

(1) Credits earned from dual credit, advanced placement, *Cambridge International*, and international baccalaureate courses.

(2) College credits earned during high school.

(3) Credits earned exceeding thirty (30) credit hours during a

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previous academic year in which a student received state financial aid.

(c) The commission may allow a student who is otherwise ineligible under subsection (a)(6) for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements under subsection (a)(6).

SECTION 12. IC 25-23.6-5-3.5, AS AMENDED BY P.L. 160-2018, SECTION 1, AND AS AMENDED BY P.L. 195-2018, SECTION 11, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.5. (a) The applicant for a license as a clinical social worker must have at least two (2) years of clinical social work experience after receiving a graduate degree in social work and under the supervision of a qualified supervisor as determined by the board.

(b) If an individual is obtaining the clinical social work experience described in subsection (a) in Indiana, the individual must be licensed as a social worker under section 1 of this chapter.

(c) A doctoral internship may be applied toward the supervised clinical social work experience requirement.

(d) Except as provided in subsection (e), the clinical social work experience requirement may be met by work performed at or away from the premises of the qualified supervisor.

(e) *Except as provided in subsection (g)*, the clinical social work requirement may not be performed away from the qualified supervisor's premises if:

- (1) the work is the independent private practice of clinical social work; and
- (2) the work is not performed at a place with the supervision of a qualified supervisor available.

(f) Any supervised clinical social work experience hours that an applicant accumulates under this chapter *after being licensed as a social worker under section 1 of this chapter* do not expire and may be used by the applicant to satisfy the supervised clinical social work experience requirements under this chapter.

(g) *Up to fifty percent (50%) of the supervised clinical social work experience hours required under subsection (a) may be accounted for through virtual supervision by a qualified supervisor described in subsection (a).*

~~(g)~~ (h) *After obtaining a temporary permit under section 11.5 of this*

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*chapter, any supervised clinical social work experience hours that an applicant accumulates under this chapter before the temporary permit expires may be used by the applicant to satisfy the supervised clinical social work experience requirements under this chapter during the following time after the applicant obtained the temporary permit:*

*(1) For not more than four (4) years.*

*(2) After the four (4) year period, if approved by the board.*

SECTION 13. IC 29-1-6-2, AS AMENDED BY P.L.136-2018, SECTION 215, AND AS AMENDED BY P.L.163-2018, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. *If, in any will admitted to probate in any of the courts of this state, there is a provision or provisions providing that if any beneficiary under the will shall take any proceeding to contest such will or to prevent the admission of the will to probate, or provisions to that effect, such beneficiary shall thereby forfeit any benefit which said will made for said beneficiary, such provision or provisions shall be void and of no force or effect. (a) Except as provided in subsection (b), a no contest provision is enforceable according to the express terms of the no contest provision.*

*(b) Subsection (a) does not apply to the following proceedings:*

*(1) An action brought by a beneficiary if good cause is found by a court.*

*(2) An action brought by an executor or other fiduciary of a will that incorporates a no contest provision, unless the executor or other fiduciary is a beneficiary against whom the no contest provision is otherwise enforceable.*

*(3) An agreement, including a nonjudicial settlement agreement, among beneficiaries and any other interested persons to settle or resolve any other matter relating to a will or estate.*

*(4) An action to determine whether a proposed or pending motion or proceeding constitutes a contest.*

*(5) An action brought by or on behalf of a beneficiary to seek a ruling regarding the construction or interpretation of a will.*

*(6) An action or objection brought by a beneficiary, an executor, or other fiduciary that seeks a ruling on proposed distributions, fiduciary fees, or any other matter where a court has discretion.*

*(7) An action brought by the attorney general that:*

*(A) seeks a ruling regarding the construction or interpretation of:*

*(i) a will containing a charitable trust or charitable bequest;*

*or*

*(ii) a no contest provision contained in a will or trust that*

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*purports to penalize a charity or charitable interest; or*  
*(B) institutes any other proceedings relating to:*  
*(i) an estate; or*  
*(ii) a trust;*  
*if good cause is shown to do so.*

SECTION 14. IC 33-42-9-10, AS AMENDED BY P.L.59-2018, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) A notarial act performed under federal law shall be presumed valid and has the same effect as a notarial act performed by a notarial officer of Indiana if the notarial act performed under federal law is performed by:

- (1) a judge, clerk, or deputy clerk of a court;
- (2) an individual who is authorized to perform the notarial act under federal law and is:
  - (A) presently serving in the armed forces of the United States; or
  - (B) performing duties under the authority of the armed forces of the United States;
- (3) an individual designated as a notarial officer by the United States Department of State for the purpose of performing notarial acts overseas;
- (4) a commissioned officer with the rank of:
  - (A) second lieutenant or higher in the active service of the:
    - (i) United States Army; or
    - (ii) United States Marine Corps; or
    - (iii) United States Air Force; or**
  - (B) ensign or higher in the active service of the:
    - (i) United States Coast Guard; or
    - (ii) United States Navy; or
- (5) any other individual authorized by federal law to perform the notarial act.

(b) The signature and title of an individual acting under federal authority while performing a notarial act are prima facie evidence of the fact that:

- (1) the signature is genuine; and
- (2) the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection (a)(1), (a)(2), or (a)(3) conclusively establish the authority of the notarial officer to perform the notarial act.

SECTION 15. IC 34-24-1-1, AS AMENDED BY P.L.144-2018, SECTION 11, AND AS AMENDED BY P.L.198-2018, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Manufacturing methamphetamine (IC 35-48-4-1.2).

(iv) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(v) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(vi) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vii) Dealing in a counterfeit substance (IC 35-48-4-5).

(viii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(ix) Possession of methamphetamine (IC 35-48-4-6.1).

(x) Dealing in paraphernalia (IC 35-48-4-8.5).

(xi) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).

(xii) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of

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terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):

- (A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;
  - (B) used to facilitate any violation of a criminal statute; or
  - (C) traceable as proceeds of the violation of a criminal statute.
- (3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

- (A) commit, attempt to commit, or conspire to commit;
  - (B) facilitate the commission of; or
  - (C) escape from the commission of;
- murder (IC 35-42-1-1), *dealing in a controlled substance resulting in death* (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Level 1, Level 2, Level 3, Level 4, or Level 5 felony:

- (A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
  - (B) Dealing in methamphetamine (IC 35-48-4-1.1).
  - (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
  - (D) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
  - (E) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
  - (F) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
  - (G) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).
  - (H) *Dealing in a controlled substance resulting in death* (IC 35-42-1-1.5).
- (6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).
- (7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

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- (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).
- (9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.
- (10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.
- (11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.
- (12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.
- (13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.
- (14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:
- (A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.
  - (B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.
- (15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:
- (A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:
    - (i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
    - (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or
  - (B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through IC 9-24-19-3, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:
    - (i) for operating a vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
    - (ii) for an offense that is substantially similar to IC 9-30-5-1

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through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).

(18) Real or personal property, including a vehicle, that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

a violation of IC 35-42-3.5-1 *through* IC 35-42-3.5-1.4 (human trafficking) or IC 35-45-4-4 (promoting prostitution).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable

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instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

~~(1)~~ IC 35-42-1-1.5 (dealing in a controlled substance resulting in death).

~~(2)~~ IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

~~(3)~~ IC 35-48-4-1.1 (dealing in methamphetamine).

~~(4)~~ IC 35-48-4-1.2 (manufacturing methamphetamine).

~~(5)~~ IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

~~(6)~~ IC 35-48-4-3 (dealing in a schedule IV controlled substance).

~~(7)~~ IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Level 4 felony.

~~(8)~~ IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Level 3, Level 4, or Level 5 felony.

~~(9)~~ IC 35-48-4-6.1 (possession of methamphetamine) as a Level 3, Level 4, or Level 5 felony.

~~(10)~~ IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or salvia) as a Level 5 felony.

~~(11)~~ IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug lookalike substance) as a Level 5 felony or Level 6 felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).

(e) A vehicle operated by a person who is not:

(1) an owner of the vehicle; or

(2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 16. IC 35-42-1-1, AS AMENDED BY P.L.144-2018, SECTION 18, AND AS AMENDED BY P.L.203-2018, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. A person who:

(1) knowingly or intentionally kills another human being;

(2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct (under IC 35-42-4-2 before its repeal), kidnapping, rape, robbery, human trafficking, promotion of human labor trafficking, promotion of human sexual

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*trafficking, promotion of child sexual trafficking, promotion of sexual trafficking of a younger child, child sexual trafficking, of a minor, or carjacking (before its repeal);*

(3) kills another human being while committing or attempting to commit:

(A) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);

(B) dealing in methamphetamine (IC 35-48-4-1.1);

(C) manufacturing methamphetamine (IC 35-48-4-1.2);

(D) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

(E) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

(F) dealing in a schedule V controlled substance; or

(4) *except as provided in section 6.5 of this chapter, knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365) in any stage of development;*

commits murder, a felony.

SECTION 17. IC 35-45-4-3, AS AMENDED BY P.L.144-2018, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A person who knowingly or intentionally pays, or offers or agrees to pay, money or other property to another person:

(1) for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the person or with any other person; or

(2) for having fondled, or on the understanding that the other person will fondle, the genitals of the person or any other person;

commits making an unlawful proposition, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has two (2) prior convictions under this section.

(b) It is not a defense to a prosecution under this section that the:

(1) **child victim** consented to engage in prostitution; ~~or juvenile prostitution or to participate in sexual conduct;~~ or

(2) intended victim of the offense is a law enforcement officer.

SECTION 18. [EFFECTIVE JULY 1, 2018] **(a) The general assembly recognizes that P.L.146-2018 repealed IC 6-8.1-9-14 and P.L.130-2018 and P.L.117-2018 amended IC 6-8.1-9-14. The general assembly intends to repeal IC 6-8.1-9-14 effective July 1, 2018.**

**(b) This SECTION expires January 1, 2019.**

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SECTION 19. [EFFECTIVE JULY 1, 2018] (a) The general assembly recognizes that P.L.189-2018 repealed IC 4-4-10.9 and P.L.177-2018 amended IC 4-4-10.9-11. The general assembly intends to repeal IC 4-4-10.9 effective July 1, 2018.

(b) This SECTION expires January 1, 2019.

SECTION 20. [EFFECTIVE UPON PASSAGE] (a) The general assembly recognizes that P.L.161-2018 amended IC 33-38-15-1 effective July 1, 2018, and that IC 33-38-15 is scheduled to expire June 30, 2018, under IC 33-38-15-7. The general assembly intends for IC 33-38-15 to expire June 30, 2018.

(b) This SECTION expires January 1, 2019.

SECTION 21. [EFFECTIVE UPON PASSAGE] (a) The general assembly recognizes that P.L.189-2018 amended IC 8-1-30.7-2 and IC 8-1-30.7-7, both effective July 1, 2018, and that IC 8-1-30.7 expires July 1, 2018, under IC 8-1-30.7-11. The general assembly intends for IC 8-1-30.7 to expire July 1, 2018.

(b) This SECTION expires January 1, 2019.

SECTION 22. [EFFECTIVE UPON PASSAGE] (a) The general assembly recognizes that P.L.130-2018 amended IC 22-4.5-9-4, effective July 1, 2018, and that IC 22-4.5-9 expires July 1, 2018, under IC 22-4.5-9-10. The general assembly intends for IC 22-4.5-9 to expire July 1, 2018.

(b) This SECTION expires January 1, 2019.

SECTION 23. An emergency is declared for this act.



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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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