



January 31, 2020

SENATE BILL No. 216

DIGEST OF SB 216 (Updated January 29, 2020 10:43 am - DI 133)

Citations Affected: IC 5-14.

Synopsis: Disclosure of personal information to offender. Amends the access to public records act to provide that personal information regarding a correctional officer, law enforcement officer, judge, crime victim, or their family members may be withheld from disclosure when requested by a person confined in a prison, county jail, detention facility, or in a community corrections program as a result of the person's arrest or conviction for a crime. (Currently the law permits withholding personal information of officers, judges, victims, or their family members, if the information is requested by a person incarcerated in a penal institution after conviction for a crime.)

Effective: July 1, 2020.

**Sandlin, Koch, Freeman, Ford Jon,
Glick, Rogers, Buck,
Randolph Lonnie M**

January 6, 2020, read first time and referred to Committee on Judiciary.
January 30, 2020, reported favorably — Do Pass.

SB 216—LS 6485/DI 87



January 31, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 216

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-14-3-2, AS AMENDED BY P.L.85-2017,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 2. (a) The definitions set forth in this section apply
4 throughout this chapter.

5 (b) "Copy" includes transcribing by handwriting, photocopying,
6 xerography, duplicating machine, duplicating electronically stored data
7 onto a disk, tape, drum, or any other medium of electronic data storage,
8 and reproducing by any other means.

9 (c) "Criminal intelligence information" means data that has been
10 evaluated to determine that the data is relevant to:

11 (1) the identification of; and
12 (2) the criminal activity engaged in by;
13 an individual who or organization that is reasonably suspected of
14 involvement in criminal activity.

15 (d) "Direct cost" means one hundred five percent (105%) of the sum
16 of the cost of:

17 (1) the initial development of a program, if any;

SB 216—LS 6485/DI 87



- 1 (2) the labor required to retrieve electronically stored data; and
 2 (3) any medium used for electronic output;
 3 for providing a duplicate of electronically stored data onto a disk, tape,
 4 drum, or other medium of electronic data retrieval under section 8(g)
 5 of this chapter, or for reprogramming a computer system under section
 6 6(c) of this chapter.
- 7 (e) "Electronic map" means copyrighted data provided by a public
 8 agency from an electronic geographic information system.
- 9 (f) "Enhanced access" means the inspection of a public record by a
 10 person other than a governmental entity and that:
 11 (1) is by means of an electronic device other than an electronic
 12 device provided by a public agency in the office of the public
 13 agency; or
 14 (2) requires the compilation or creation of a list or report that does
 15 not result in the permanent electronic storage of the information.
- 16 (g) "Facsimile machine" means a machine that electronically
 17 transmits exact images through connection with a telephone network.
- 18 (h) "Inspect" includes the right to do the following:
 19 (1) Manually transcribe and make notes, abstracts, or memoranda.
 20 (2) In the case of tape recordings or other aural public records, to
 21 listen and manually transcribe or duplicate, or make notes,
 22 abstracts, or other memoranda from them.
 23 (3) In the case of public records available:
 24 (A) by enhanced access under section 3.5 of this chapter; or
 25 (B) to a governmental entity under section 3(c)(2) of this
 26 chapter;
 27 to examine and copy the public records by use of an electronic
 28 device.
 29 (4) In the case of electronically stored data, to manually transcribe
 30 and make notes, abstracts, or memoranda or to duplicate the data
 31 onto a disk, tape, drum, or any other medium of electronic
 32 storage.
- 33 (i) "Investigatory record" means information compiled in the course
 34 of the investigation of a crime.
- 35 (j) "Law enforcement activity" means:
 36 (1) a traffic stop;
 37 (2) a pedestrian stop;
 38 (3) an arrest;
 39 (4) a search;
 40 (5) an investigation;
 41 (6) a pursuit;
 42 (7) crowd control;



- 1 (8) traffic control; or
 2 (9) any other instance in which a law enforcement officer is
 3 enforcing the law.

4 The term does not include an administrative activity, including the
 5 completion of paperwork related to a law enforcement activity, or a
 6 custodial interrogation conducted in a place of detention as described
 7 in Indiana Evidence Rule 617, regardless of the ultimate admissibility
 8 of a statement made during the custodial interrogation.

9 (k) "Law enforcement recording" means an audio, visual, or
 10 audiovisual recording of a law enforcement activity captured by a
 11 camera or other device that is:

- 12 (1) provided to or used by a law enforcement officer in the scope
 13 of the officer's duties; and
 14 (2) designed to be worn by a law enforcement officer or attached
 15 to the vehicle or transportation of a law enforcement officer.

16 (l) "Offender" means a person confined in a **prison, county jail,**
 17 **detention facility,** penal institution, **or in a community corrections**
 18 **program** as the result of the **person's arrest or** conviction for a crime.

19 (m) "Patient" has the meaning set out in IC 16-18-2-272(d).

20 (n) "Person" means an individual, a corporation, a limited liability
 21 company, a partnership, an unincorporated association, or a
 22 governmental entity.

23 (o) "Private university police department" means the police officers
 24 appointed by the governing board of a private university under
 25 IC 21-17-5.

26 (p) "Provider" has the meaning set out in IC 16-18-2-295(b) and
 27 includes employees of the state department of health or local boards of
 28 health who create patient records at the request of another provider or
 29 who are social workers and create records concerning the family
 30 background of children who may need assistance.

31 (q) "Public agency", except as provided in section 2.1 of this
 32 chapter, means the following:

33 (1) Any board, commission, department, division, bureau,
 34 committee, agency, office, instrumentality, or authority, by
 35 whatever name designated, exercising any part of the executive,
 36 administrative, judicial, or legislative power of the state.

37 (2) Any:

38 (A) county, township, school corporation, city, or town, or any
 39 board, commission, department, division, bureau, committee,
 40 office, instrumentality, or authority of any county, township,
 41 school corporation, city, or town;

42 (B) political subdivision (as defined by IC 36-1-2-13); or



- 1 (C) other entity, or any office thereof, by whatever name
 2 designated, exercising in a limited geographical area the
 3 executive, administrative, judicial, or legislative power of the
 4 state or a delegated local governmental power.
- 5 (3) Any entity or office that is subject to:
 6 (A) budget review by either the department of local
 7 government finance or the governing body of a county, city,
 8 town, township, or school corporation; or
 9 (B) an audit by the state board of accounts that is required by
 10 statute, rule, or regulation.
- 11 (4) Any building corporation of a political subdivision that issues
 12 bonds for the purpose of constructing public facilities.
- 13 (5) Any advisory commission, committee, or body created by
 14 statute, ordinance, or executive order to advise the governing
 15 body of a public agency, except medical staffs or the committees
 16 of any such staff.
- 17 (6) Any law enforcement agency, which means an agency or a
 18 department of any level of government that engages in the
 19 investigation, apprehension, arrest, or prosecution of alleged
 20 criminal offenders, such as the state police department, the police
 21 or sheriff's department of a political subdivision, prosecuting
 22 attorneys, members of the excise police division of the alcohol
 23 and tobacco commission, conservation officers of the department
 24 of natural resources, gaming agents of the Indiana gaming
 25 commission, gaming control officers of the Indiana gaming
 26 commission, and the security division of the state lottery
 27 commission.
- 28 (7) Any license branch operated under IC 9-14.1.
- 29 (8) The state lottery commission established by IC 4-30-3-1,
 30 including any department, division, or office of the commission.
- 31 (9) The Indiana gaming commission established under IC 4-33,
 32 including any department, division, or office of the commission.
- 33 (10) The Indiana horse racing commission established by IC 4-31,
 34 including any department, division, or office of the commission.
- 35 (11) A private university police department. The term does not
 36 include the governing board of a private university or any other
 37 department, division, board, entity, or office of a private
 38 university.
- 39 (r) "Public record" means any writing, paper, report, study, map,
 40 photograph, book, card, tape recording, or other material that is
 41 created, received, retained, maintained, or filed by or with a public
 42 agency and which is generated on paper, paper substitutes,



1 photographic media, chemically based media, magnetic or machine
2 readable media, electronically stored data, or any other material,
3 regardless of form or characteristics.

4 (s) "Standard-sized documents" includes all documents that can be
5 mechanically reproduced (without mechanical reduction) on paper
6 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight
7 and one-half (8 1/2) inches by fourteen (14) inches.

8 (t) "Trade secret" has the meaning set forth in IC 24-2-3-2.

9 (u) "Work product of an attorney" means information compiled by
10 an attorney in reasonable anticipation of litigation. The term includes
11 the attorney's:

12 (1) notes and statements taken during interviews of prospective
13 witnesses; and

14 (2) legal research or records, correspondence, reports, or
15 memoranda to the extent that each contains the attorney's
16 opinions, theories, or conclusions.

17 This definition does not restrict the application of any exception under
18 section 4 of this chapter.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 216, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 216 as introduced.)

KOCH, Chairperson

Committee Vote: Yeas 10, Nays 0

