



January 24, 2024

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## SENATE BILL No. 232

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DIGEST OF SB 232 (Updated January 23, 2024 10:28 am - DI 151)

**Citations Affected:** IC 5-14; IC 8-1; IC 35-44.1; IC 36-8.

**Synopsis:** Statewide 911 system. Removes references to "enhanced 911 service". Changes the offense, from a Class B misdemeanor to a Class A misdemeanor, for false informing. Provides that the offense for false informing is a Level 6 felony if it substantially hinders any law enforcement process or if it results in harm to another person or a Level 5 felony if it results in serious bodily injury or death to another person. (Current law provides that the offense for false informing is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to another person.) Changes references from the "enhanced prepaid wireless charge" to the "911 service prepaid wireless charge". Provides that information relating to security measures or precautions used to secure the statewide 911 system may be excepted from public disclosure at the discretion of the statewide 911 board. Makes changes to or repeals certain definitions relating to the state 911 system. Provides that all originating service providers that provide 911 service for their customers: (1) shall connect to the state  
(Continued next page)

**Effective:** July 1, 2024.

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### Walker K, Crider, Freeman

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January 8, 2024, read first time and referred to Committee on Homeland Security and Transportation.  
January 23, 2024, amended, reported favorably — Do Pass.

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SB 232—LS 6984/DI 116



Digest Continued

911 system using an industry standard or functional equivalent; and (2) must establish and maintain the connection in accordance with all applicable regulatory requirements requiring service continuity and ensure access to public safety assistance. Requires the budget committee to review the statewide 911 system for the calendar years ending: (1) December 31, 2026; and (2) December 31, 2030. Provides that if the budget committee does not recommend that the statewide 911 fee assessed should continue to be assessed and collected after June 30, 2031, the statewide 911 fee assessed expires July 1, 2031. Provides that an emergency communications center included in the definition of PSAP may not be construed to create an additional PSAP. Makes a technical correction. Makes conforming amendments.



January 24, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## SENATE BILL No. 232

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A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.86-2022,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 4. (a) The following public records are excepted  
4 from section 3 of this chapter and may not be disclosed by a public  
5 agency, unless access to the records is specifically required by a state  
6 or federal statute or is ordered by a court under the rules of discovery:  
7 (1) Those declared confidential by state statute.  
8 (2) Those declared confidential by rule adopted by a public  
9 agency under specific authority to classify public records as  
10 confidential granted to the public agency by statute.  
11 (3) Those required to be kept confidential by federal law.  
12 (4) Records containing trade secrets.  
13 (5) Confidential financial information obtained, upon request,  
14 from a person. However, this does not include information that is  
15 filed with or received by a public agency pursuant to state statute.  
16 (6) Information concerning research, including actual research  
17 documents, conducted under the auspices of a state educational

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- 1 institution, including information:
- 2 (A) concerning any negotiations made with respect to the
- 3 research; and
- 4 (B) received from another party involved in the research.
- 5 (7) Grade transcripts and license examination scores obtained as
- 6 part of a licensure process.
- 7 (8) Those declared confidential by or under rules adopted by the
- 8 supreme court of Indiana.
- 9 (9) Patient medical records and charts created by a provider,
- 10 unless the patient gives written consent under IC 16-39 or as
- 11 provided under IC 16-41-8.
- 12 (10) Application information declared confidential by the Indiana
- 13 economic development corporation under IC 5-28.
- 14 (11) A photograph, a video recording, or an audio recording of an
- 15 autopsy, except as provided in IC 36-2-14-10.
- 16 (12) A Social Security number contained in the records of a
- 17 public agency.
- 18 (13) The following information that is part of a foreclosure action
- 19 subject to IC 32-30-10.5:
- 20 (A) Contact information for a debtor, as described in
- 21 IC 32-30-10.5-8(d)(1)(B).
- 22 (B) Any document submitted to the court as part of the debtor's
- 23 loss mitigation package under IC 32-30-10.5-10(a)(3).
- 24 (14) The following information obtained from a call made to a
- 25 fraud hotline established under IC 36-1-8-8.5:
- 26 (A) The identity of any individual who makes a call to the
- 27 fraud hotline.
- 28 (B) A report, transcript, audio recording, or other information
- 29 concerning a call to the fraud hotline.
- 30 However, records described in this subdivision may be disclosed
- 31 to a law enforcement agency, a private university police
- 32 department, the attorney general, the inspector general, the state
- 33 examiner, or a prosecuting attorney.
- 34 (15) Information described in section 5(c)(3)(B) of this chapter
- 35 that is contained in a daily log or record described in section 5(c)
- 36 of this chapter for a victim of a crime or delinquent act who is less
- 37 than eighteen (18) years of age, unless and to the extent that:
- 38 (A) a parent, guardian, or custodian of the victim consents in
- 39 writing to public disclosure of the records; and
- 40 (B) that parent, guardian, or custodian of the victim has not
- 41 been charged with or convicted of committing a crime against
- 42 the victim.



- 1           However, records described in this subdivision may be disclosed  
2           to the department of child services.
- 3           (b) Except as otherwise provided by subsection (a), the following  
4           public records shall be excepted from section 3 of this chapter at the  
5           discretion of a public agency:
- 6           (1) Investigatory records of law enforcement agencies or private  
7           university police departments. For purposes of this chapter, a law  
8           enforcement recording is not an investigatory record. However,  
9           information described in subsection (a)(15) contained in a law  
10          enforcement recording is exempt from disclosure, unless and to  
11          the extent that a parent, guardian, or custodian of the victim  
12          consents in writing to public disclosure of the records. However,  
13          a parent, guardian, or custodian charged with or convicted of a  
14          crime against the victim may not consent to public disclosure of  
15          the records. Law enforcement agencies or private university  
16          police departments may share investigatory records with a:
- 17                (A) person who advocates on behalf of a crime victim,  
18                including a victim advocate (as defined in IC 35-37-6-3.5) or  
19                a victim service provider (as defined in IC 35-37-6-5), for the  
20                purposes of providing services to a victim or describing  
21                services that may be available to a victim; and
- 22                (B) school corporation (as defined by IC 20-18-2-16(a)),  
23                charter school (as defined by IC 20-24-1-4), or nonpublic  
24                school (as defined by IC 20-18-2-12) for the purpose of  
25                enhancing the safety or security of a student or a school  
26                facility;
- 27          without the law enforcement agency or private university police  
28          department losing its discretion to keep those records confidential  
29          from other records requesters. However, certain law enforcement  
30          records must be made available for inspection and copying as  
31          provided in section 5 of this chapter.
- 32          (2) The work product of an attorney representing, pursuant to  
33          state employment or an appointment by a public agency:
- 34                (A) a public agency;
- 35                (B) the state; or
- 36                (C) an individual.
- 37          (3) Test questions, scoring keys, and other examination data used  
38          in administering a licensing examination, examination for  
39          employment, or academic examination before the examination is  
40          given or if it is to be given again.
- 41          (4) Scores of tests if the person is identified by name and has not  
42          consented to the release of the person's scores.



- 1 (5) The following:
- 2 (A) Records relating to negotiations between:
- 3 (i) the Indiana economic development corporation;
- 4 (ii) the ports of Indiana;
- 5 (iii) the Indiana state department of agriculture;
- 6 (iv) the Indiana finance authority;
- 7 (v) an economic development commission;
- 8 (vi) the Indiana White River state park development
- 9 commission;
- 10 (vii) a local economic development organization that is a
- 11 nonprofit corporation established under state law whose
- 12 primary purpose is the promotion of industrial or business
- 13 development in Indiana, the retention or expansion of
- 14 Indiana businesses, or the development of entrepreneurial
- 15 activities in Indiana; or
- 16 (viii) a governing body of a political subdivision;
- 17 with industrial, research, or commercial prospects, if the
- 18 records are created while negotiations are in progress.
- 19 However, this clause does not apply to records regarding
- 20 research that is prohibited under IC 16-34.5-1-2 or any other
- 21 law.
- 22 (B) Notwithstanding clause (A), the terms of the final offer of
- 23 public financial resources communicated by the Indiana
- 24 economic development corporation, the ports of Indiana, the
- 25 Indiana finance authority, an economic development
- 26 commission, the Indiana White River state park development
- 27 commission, or a governing body of a political subdivision to
- 28 an industrial, a research, or a commercial prospect shall be
- 29 available for inspection and copying under section 3 of this
- 30 chapter after negotiations with that prospect have terminated.
- 31 (C) When disclosing a final offer under clause (B), the Indiana
- 32 economic development corporation shall certify that the
- 33 information being disclosed accurately and completely
- 34 represents the terms of the final offer.
- 35 (D) Notwithstanding clause (A), an incentive agreement with
- 36 an incentive recipient shall be available for inspection and
- 37 copying under section 3 of this chapter after the date the
- 38 incentive recipient and the Indiana economic development
- 39 corporation execute the incentive agreement regardless of
- 40 whether negotiations are in progress with the recipient after
- 41 that date regarding a modification or extension of the incentive
- 42 agreement.



- 1 (6) Records that are intra-agency or interagency advisory or  
 2 deliberative material, including material developed by a private  
 3 contractor under a contract with a public agency, that are  
 4 expressions of opinion or are of a speculative nature, and that are  
 5 communicated for the purpose of decision making.
- 6 (7) Diaries, journals, or other personal notes serving as the  
 7 functional equivalent of a diary or journal.
- 8 (8) Personnel files of public employees and files of applicants for  
 9 public employment, except for:
- 10 (A) the name, compensation, job title, business address,  
 11 business telephone number, job description, education and  
 12 training background, previous work experience, or dates of  
 13 first and last employment of present or former officers or  
 14 employees of the agency;
- 15 (B) information relating to the status of any formal charges  
 16 against the employee; and
- 17 (C) the factual basis for a disciplinary action in which final  
 18 action has been taken and that resulted in the employee being  
 19 suspended, demoted, or discharged.
- 20 However, all personnel file information shall be made available  
 21 to the affected employee or the employee's representative. This  
 22 subdivision does not apply to disclosure of personnel information  
 23 generally on all employees or for groups of employees without the  
 24 request being particularized by employee name.
- 25 (9) Minutes or records of hospital medical staff meetings.
- 26 (10) Administrative or technical information that would  
 27 jeopardize a record keeping system, voting system, voter  
 28 registration system, or security system.
- 29 (11) Computer programs, computer codes, computer filing  
 30 systems, and other software that are owned by the public agency  
 31 or entrusted to it and portions of electronic maps entrusted to a  
 32 public agency by a utility.
- 33 (12) Records specifically prepared for discussion or developed  
 34 during discussion in an executive session under IC 5-14-1.5-6.1.  
 35 However, this subdivision does not apply to that information  
 36 required to be available for inspection and copying under  
 37 subdivision (8).
- 38 (13) The work product of the legislative services agency under  
 39 personnel rules approved by the legislative council.
- 40 (14) The work product of individual members and the partisan  
 41 staffs of the general assembly.
- 42 (15) The identity of a donor of a gift made to a public agency if:



- 1 (A) the donor requires nondisclosure of the donor's identity as  
 2 a condition of making the gift; or  
 3 (B) after the gift is made, the donor or a member of the donor's  
 4 family requests nondisclosure.
- 5 (16) Library or archival records:  
 6 (A) which can be used to identify any library patron; or  
 7 (B) deposited with or acquired by a library upon a condition  
 8 that the records be disclosed only:  
 9 (i) to qualified researchers;  
 10 (ii) after the passing of a period of years that is specified in  
 11 the documents under which the deposit or acquisition is  
 12 made; or  
 13 (iii) after the death of persons specified at the time of the  
 14 acquisition or deposit.
- 15 However, nothing in this subdivision shall limit or affect contracts  
 16 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 17 (17) The identity of any person who contacts the bureau of motor  
 18 vehicles concerning the ability of a driver to operate a motor  
 19 vehicle safely and the medical records and evaluations made by  
 20 the bureau of motor vehicles staff or members of the driver  
 21 licensing medical advisory board regarding the ability of a driver  
 22 to operate a motor vehicle safely. However, upon written request  
 23 to the commissioner of the bureau of motor vehicles, the driver  
 24 must be given copies of the driver's medical records and  
 25 evaluations.
- 26 (18) School safety and security measures, plans, and systems,  
 27 including emergency preparedness plans developed under 511  
 28 IAC 6.1-2-2.5.
- 29 (19) A record or a part of a record, the public disclosure of which  
 30 would have a reasonable likelihood of threatening public safety  
 31 by exposing a vulnerability to terrorist attack. A record described  
 32 under this subdivision includes the following:  
 33 (A) A record assembled, prepared, or maintained to prevent,  
 34 mitigate, or respond to an act of terrorism under IC 35-47-12-1  
 35 (before its repeal), an act of agricultural terrorism under  
 36 IC 35-47-12-2 (before its repeal), or a felony terrorist offense  
 37 (as defined in IC 35-50-2-18).  
 38 (B) Vulnerability assessments.  
 39 (C) Risk planning documents.  
 40 (D) Needs assessments.  
 41 (E) Threat assessments.  
 42 (F) Intelligence assessments.





- 1 (G) Domestic preparedness strategies.
- 2 (H) The location of community drinking water wells and  
3 surface water intakes.
- 4 (I) The emergency contact information of emergency  
5 responders and volunteers.
- 6 (J) Infrastructure records that disclose the configuration of  
7 critical systems such as voting system and voter registration  
8 system critical infrastructure, and communication, electrical,  
9 ventilation, water, and wastewater systems.
- 10 (K) Detailed drawings or specifications of structural elements,  
11 floor plans, and operating, utility, or security systems, whether  
12 in paper or electronic form, of any building or facility located  
13 on an airport (as defined in IC 8-21-1-1) that is owned,  
14 occupied, leased, or maintained by a public agency, or any part  
15 of a law enforcement recording that captures information  
16 about airport security procedures, areas, or systems. A record  
17 described in this clause may not be released for public  
18 inspection by any public agency without the prior approval of  
19 the public agency that owns, occupies, leases, or maintains the  
20 airport. Both of the following apply to the public agency that  
21 owns, occupies, leases, or maintains the airport:
- 22 (i) The public agency is responsible for determining whether  
23 the public disclosure of a record or a part of a record,  
24 including a law enforcement recording, has a reasonable  
25 likelihood of threatening public safety by exposing a  
26 security procedure, area, system, or vulnerability to terrorist  
27 attack.
- 28 (ii) The public agency must identify a record described  
29 under item (i) and clearly mark the record as "confidential  
30 and not subject to public disclosure under  
31 IC 5-14-3-4(b)(19)(J) without approval of (insert name of  
32 submitting public agency)". However, in the case of a law  
33 enforcement recording, the public agency must clearly mark  
34 the record as "confidential and not subject to public  
35 disclosure under IC 5-14-3-4(b)(19)(K) without approval of  
36 (insert name of the public agency that owns, occupies,  
37 leases, or maintains the airport)".
- 38 (L) The home address, home telephone number, and  
39 emergency contact information for any:
- 40 (i) emergency management worker (as defined in  
41 IC 10-14-3-3);
- 42 (ii) public safety officer (as defined in IC 35-47-4.5-3);



- 1 (iii) emergency medical responder (as defined in  
2 IC 16-18-2-109.8); or  
3 (iv) advanced emergency medical technician (as defined in  
4 IC 16-18-2-6.5).
- 5 **(M) Information relating to security measures or**  
6 **precautions used to secure the statewide 911 system under**  
7 **IC 36-8-16.7.**
- 8 This subdivision does not apply to a record or portion of a record  
9 pertaining to a location or structure owned or protected by a  
10 public agency in the event that an act of terrorism under  
11 IC 35-47-12-1 (before its repeal), an act of agricultural terrorism  
12 under IC 35-47-12-2 (before its repeal), or a felony terrorist  
13 offense (as defined in IC 35-50-2-18) has occurred at that location  
14 or structure, unless release of the record or portion of the record  
15 would have a reasonable likelihood of threatening public safety  
16 by exposing a vulnerability of other locations or structures to  
17 terrorist attack.
- 18 (20) The following personal information concerning a customer  
19 of a municipally owned utility (as defined in IC 8-1-2-1):  
20 (A) Telephone number.  
21 (B) Address.  
22 (C) Social Security number.
- 23 (21) The following personal information about a complainant  
24 contained in records of a law enforcement agency:  
25 (A) Telephone number.  
26 (B) The complainant's address. However, if the complainant's  
27 address is the location of the suspected crime, infraction,  
28 accident, or complaint reported, the address shall be made  
29 available for public inspection and copying.
- 30 (22) Notwithstanding subdivision (8)(A), the name,  
31 compensation, job title, business address, business telephone  
32 number, job description, education and training background,  
33 previous work experience, or dates of first employment of a law  
34 enforcement officer who is operating in an undercover capacity.
- 35 (23) Records requested by an offender, an agent, or a relative of  
36 an offender that:  
37 (A) contain personal information relating to:  
38 (i) a correctional officer (as defined in IC 5-10-10-1.5);  
39 (ii) a probation officer;  
40 (iii) a community corrections officer;  
41 (iv) a law enforcement officer (as defined in  
42 IC 35-31.5-2-185);



- 1 (v) a judge (as defined in IC 33-38-12-3);  
 2 (vi) the victim of a crime; or  
 3 (vii) a family member of a correctional officer, probation  
 4 officer, community corrections officer, law enforcement  
 5 officer (as defined in IC 35-31.5-2-185), judge (as defined  
 6 in IC 33-38-12-3), or victim of a crime; or  
 7 (B) concern or could affect the security of a jail or correctional  
 8 facility.
- 9 For purposes of this subdivision, "agent" means a person who is  
 10 authorized by an offender to act on behalf of, or at the direction  
 11 of, the offender, and "relative" has the meaning set forth in  
 12 IC 35-42-2-1(b). However, the term "agent" does not include an  
 13 attorney in good standing admitted to the practice of law in  
 14 Indiana.
- 15 (24) Information concerning an individual less than eighteen (18)  
 16 years of age who participates in a conference, meeting, program,  
 17 or activity conducted or supervised by a state educational  
 18 institution, including the following information regarding the  
 19 individual or the individual's parent or guardian:  
 20 (A) Name.  
 21 (B) Address.  
 22 (C) Telephone number.  
 23 (D) Electronic mail account address.
- 24 (25) Criminal intelligence information.
- 25 (26) The following information contained in a report of unclaimed  
 26 property under IC 32-34-1.5-18 or in a claim for unclaimed  
 27 property under IC 32-34-1.5-48:  
 28 (A) Date of birth.  
 29 (B) Driver's license number.  
 30 (C) Taxpayer identification number.  
 31 (D) Employer identification number.  
 32 (E) Account number.
- 33 (27) Except as provided in subdivision (19) and sections 5.1 and  
 34 5.2 of this chapter, a law enforcement recording. However, before  
 35 disclosing the recording, the public agency must comply with the  
 36 obscuring requirements of sections 5.1 and 5.2 of this chapter, if  
 37 applicable.
- 38 (28) Records relating to negotiations between a state educational  
 39 institution and another entity concerning the establishment of a  
 40 collaborative relationship or venture to advance the research,  
 41 engagement, or educational mission of the state educational  
 42 institution, if the records are created while negotiations are in



1 progress. The terms of the final offer of public financial resources  
 2 communicated by the state educational institution to an industrial,  
 3 a research, or a commercial prospect shall be available for  
 4 inspection and copying under section 3 of this chapter after  
 5 negotiations with that prospect have terminated. However, this  
 6 subdivision does not apply to records regarding research  
 7 prohibited under IC 16-34.5-1-2 or any other law.

8 (c) Nothing contained in subsection (b) shall limit or affect the right  
 9 of a person to inspect and copy a public record required or directed to  
 10 be made by any statute or by any rule of a public agency.

11 (d) Notwithstanding any other law, a public record that is classified  
 12 as confidential, other than a record concerning an adoption or patient  
 13 medical records, shall be made available for inspection and copying  
 14 seventy-five (75) years after the creation of that record.

15 (e) Only the content of a public record may form the basis for the  
 16 adoption by any public agency of a rule or procedure creating an  
 17 exception from disclosure under this section.

18 (f) Except as provided by law, a public agency may not adopt a rule  
 19 or procedure that creates an exception from disclosure under this  
 20 section based upon whether a public record is stored or accessed using  
 21 paper, electronic media, magnetic media, optical media, or other  
 22 information storage technology.

23 (g) Except as provided by law, a public agency may not adopt a rule  
 24 or procedure nor impose any costs or liabilities that impede or restrict  
 25 the reproduction or dissemination of any public record.

26 (h) Notwithstanding subsection (d) and section 7 of this chapter:

- 27 (1) public records subject to IC 5-15 may be destroyed only in  
 28 accordance with record retention schedules under IC 5-15; or  
 29 (2) public records not subject to IC 5-15 may be destroyed in the  
 30 ordinary course of business.

31 SECTION 2. IC 8-1-2.6-0.1, AS ADDED BY P.L.27-2006,  
 32 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2024]: Sec. 0.1. (a) As used in this chapter, "basic  
 34 telecommunications service" means stand alone telephone exchange  
 35 service (as defined in 47 U.S.C. 153(47)) that:

- 36 (1) is provided to a residential customer through the customer's  
 37 primary line; and  
 38 (2) is:  
 39 (A) the sole service purchased by the customer;  
 40 (B) not part of a package of services, a promotion, or a  
 41 contract; or  
 42 (C) not otherwise offered at a discounted price.



- 1 (b) The term includes, at a minimum, the following:
- 2 (1) Voice grade access to the public switched telephone network
- 3 with minimum bandwidth of three hundred (300) to three
- 4 thousand (3,000) hertz.
- 5 (2) Dual tone multifrequency signaling and single party service.
- 6 (3) Access to:
- 7 (A) emergency services, including access to 911 ~~and enhanced~~
- 8 ~~911~~ if provided by the local government having jurisdiction in
- 9 the service area;
- 10 (B) operator services;
- 11 (C) local directory assistance;
- 12 (D) telephone relay services; and
- 13 (E) interexchange service.
- 14 (4) Toll limitation services for qualifying low income customers.
- 15 (c) The term does not include a functionally equivalent service
- 16 provided by a person or an entity described in IC 8-1-2-1.1.
- 17 SECTION 3. IC 8-1-32.7-5, AS ADDED BY P.L.79-2012,
- 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2024]: Sec. 5. (a) Except as provided in subsections (b) and
- 20 (c) and in IC 21-28-5, after March 31, 2012, I-Light may not be used
- 21 to offer or provide, directly or indirectly, communications service to the
- 22 public or to any private or governmental entity.
- 23 (b) This section does not prohibit the use of I-Light for any of the
- 24 following:
- 25 (1) The provision of communications service to the extent used
- 26 solely for 911 service ~~enhanced 911 service~~; or any other
- 27 emergency or law enforcement purpose.
- 28 (2) The provision of communications service to a state
- 29 educational institution or a private postsecondary educational
- 30 institution in furtherance of education or research for the direct
- 31 benefit of students, faculty, or staff. The provision of
- 32 communications service under this subdivision may include the
- 33 provision of communications service to a person that is not a state
- 34 educational institution or a private postsecondary educational
- 35 institution if:
- 36 (A) the person has a research and development relationship
- 37 with a state educational institution or a private postsecondary
- 38 educational institution; and
- 39 (B) the communications service required by and provided to
- 40 the person:
- 41 (i) is a one (1) gigabit per second or greater network
- 42 connection;



- 1 (ii) is used in furtherance of the research and development  
 2 relationship only;
- 3 (iii) is provided only for a specific research and  
 4 development project;
- 5 (iv) is provided only for the limited duration of the specific  
 6 research and development project; and
- 7 (v) is not provided in competition with private sector  
 8 communications service providers' provision of  
 9 communications service.
- 10 (3) The provision of communications service to member licensees  
 11 of Indiana Public Broadcasting Stations, Inc., for the direct benefit  
 12 of public broadcasting.
- 13 (c) Notwithstanding subsection (a), the state remains subject to any  
 14 contractual rights, duties, and obligations incurred by the state and  
 15 owed to any private person under a contract for the provision of  
 16 communications service that was entered into by the state before April  
 17 1, 2012, and that remains in effect after March 31, 2012. All liens,  
 18 security interests, royalties, and other contracts, rights, and interests  
 19 owed to a private person under the contract continue in full force and  
 20 effect and must be paid or performed by the state in the manner  
 21 specified in the contract, subject to the right of the state and all other  
 22 contracting parties to renegotiate the terms of the contract at any time  
 23 before the expiration of the contract.
- 24 SECTION 4. IC 35-44.1-2-3, AS AMENDED BY P.L.174-2021,  
 25 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2024]: Sec. 3. (a) As used in this section, "consumer product"  
 27 has the meaning set forth in IC 35-45-8-1.
- 28 (b) As used in this section, "misconduct" means a violation of a  
 29 departmental rule or procedure of a law enforcement agency.
- 30 (c) A person who reports that:
- 31 (1) the person or another person has placed or intends to place an  
 32 explosive, a destructive device, or other destructive substance in  
 33 a building or transportation facility;
- 34 (2) there has been or there will be tampering with a consumer  
 35 product introduced into commerce; or
- 36 (3) there has been or will be placed or introduced a weapon of  
 37 mass destruction in a building or a place of assembly;
- 38 knowing the report to be false, commits false reporting, a Level 6  
 39 felony.
- 40 (d) A person who:
- 41 (1) gives:
- 42 (A) a false report of the commission of a crime; or



1 (B) false information to a law enforcement officer that relates  
2 to the commission of a crime;  
3 knowing the report or information to be false;  
4 (2) gives a false alarm of fire to the fire department of a  
5 governmental entity, knowing the alarm to be false;  
6 (3) makes a false request for ambulance service to an ambulance  
7 service provider, knowing the request to be false;  
8 (4) gives a false report concerning a missing child (as defined in  
9 IC 10-13-5-4) or missing endangered adult (as defined in  
10 IC 12-7-2-131.3) or gives false information to a law enforcement  
11 officer or a governmental entity that relates to a missing child or  
12 missing endangered adult knowing the report or information to be  
13 false;  
14 (5) makes a complaint against a law enforcement officer to the  
15 state or municipality (as defined in IC 8-1-13-3(b)) that employs  
16 the officer:  
17 (A) alleging the officer engaged in misconduct while  
18 performing the officer's duties; and  
19 (B) knowing the complaint to be false;  
20 (6) makes a false report of a missing person, knowing the report  
21 or information is false;  
22 (7) gives a false report of actions, behavior, or conditions  
23 concerning:  
24 (A) a septic tank soil absorption system under IC 8-1-2-125 or  
25 IC 13-26-5-2.5; or  
26 (B) a septic tank soil absorption system or constructed wetland  
27 septic system under IC 36-9-23-30.1;  
28 knowing the report or information to be false; or  
29 (8) makes a false report that a person is dangerous (as defined in  
30 IC 35-47-14-1) knowing the report or information to be false;  
31 commits false informing, a ~~Class B~~ **Class A** misdemeanor. However,  
32 the offense is a ~~Class A misdemeanor~~ **Level 6 felony** if it substantially  
33 hinders any law enforcement process or if it results in harm to another  
34 person **or a Level 5 felony if it results in serious bodily injury or**  
35 **death to another person.**  
36 SECTION 5. IC 36-8-16.6-0.5 IS ADDED TO THE INDIANA  
37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2024]: **Sec. 0.5. As used in this chapter, "911**  
39 **service prepaid wireless charge" means the charge that a seller is**  
40 **required to collect from a consumer under section 12 of this**  
41 **chapter.**  
42 SECTION 6. IC 36-8-16.6-4 IS REPEALED [EFFECTIVE JULY



1 1, 2024]. Sec. 4: As used in this chapter, "enhanced prepaid wireless  
 2 charge" means the charge that a seller is required to collect from a  
 3 consumer under section 12 of this chapter.  
 4 SECTION 7. IC 36-8-16.6-11, AS AMENDED BY P.L.131-2023,  
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2024]: Sec. 11. (a) The board shall impose ~~an enhanced~~ **a 911**  
 7 **service** prepaid wireless charge on each retail transaction. The charge  
 8 is not required to be paid by an eligible telecommunications carrier that  
 9 is required to pay the monthly statewide 911 fee under IC 36-8-16.7-32  
 10 for the same transaction. The amount of the charge is one dollar (\$1).  
 11 The board may increase the ~~enhanced~~ **911 service** prepaid wireless  
 12 charge to ensure adequate revenue for the board to fulfill its duties and  
 13 obligations under this chapter and IC 36-8-16.7. The following apply  
 14 to an increase in the ~~enhanced~~ **911 service** prepaid wireless charge:  
 15 (1) The board may increase the charge only one (1) time after  
 16 April 30, 2023, and before July 1, 2026, in an amount not to  
 17 exceed ten cents (\$0.10).  
 18 (2) The board may increase the charge only after review by the  
 19 budget committee.  
 20 (b) A consumer that is the federal government or an agency of the  
 21 federal government is exempt from the ~~enhanced~~ **911 service** prepaid  
 22 wireless charge imposed under this section.  
 23 (c) This subsection applies to an eligible telecommunications carrier  
 24 for purposes of receiving Lifeline reimbursement from the universal  
 25 service fund through the administrator designated by the Federal  
 26 Communications Commission. An eligible telecommunications carrier:  
 27 (1) is not considered an agency of the federal government for  
 28 purposes of the exemption set forth in subsection (b); and  
 29 (2) with respect to prepaid wireless telecommunications service  
 30 provided to end users by the eligible telecommunications carrier  
 31 in its capacity as an eligible telecommunications carrier, is liable  
 32 for the charge imposed under subsection (d).  
 33 (d) Beginning September 1, 2015, and on the first day of each  
 34 month thereafter, an eligible telecommunications carrier described in  
 35 subsection (c) shall pay to the board a charge equal to the product of  
 36 the following factors:  
 37 (1) The ~~enhanced~~ **911 service** prepaid wireless charge established  
 38 under subsection (a).  
 39 (2) The number of unique end users for which the eligible  
 40 telecommunications carrier received reimbursement from the  
 41 universal service fund during the immediately preceding month.  
 42 The eligible telecommunications carrier may bill and collect from each





1 end user the charges calculated under this subsection with respect to  
 2 the end user. The eligible telecommunications carrier shall determine  
 3 the manner in which the eligible telecommunications carrier bills and  
 4 collects the charges. Except as provided in section 15 of this chapter,  
 5 an eligible telecommunications carrier may not bill and collect from an  
 6 end user an amount greater than the charges paid by the eligible  
 7 telecommunications carrier to the board with respect to the end user.

8 (e) If the board increases the ~~enhanced~~ **911 service** prepaid wireless  
 9 charge under subsection (a), the board shall provide written notice to  
 10 the department of state revenue not later than sixty (60) days before the  
 11 date the increase takes effect that includes:

12 (1) the effective date for the increase; and

13 (2) the amount of the charge as increased by the board.

14 SECTION 8. IC 36-8-16.6-12, AS ADDED BY P.L.113-2010,  
 15 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) A seller shall collect the  
 17 ~~enhanced~~ **911 service** prepaid wireless charge from the consumer with  
 18 respect to each retail transaction.

19 (b) The seller shall disclose to the consumer the amount of the  
 20 ~~enhanced~~ **911 service** prepaid wireless charge. The seller may  
 21 separately state the amount of the ~~enhanced~~ **911 service** prepaid  
 22 wireless charge on an invoice, a receipt, or a similar document that the  
 23 seller provides to the consumer in connection with the retail  
 24 transaction.

25 (c) Subject to section 15 of this chapter, a seller shall remit  
 26 ~~enhanced~~ **911 service** prepaid wireless charges to the department at the  
 27 time and in the manner prescribed by the department.

28 SECTION 9. IC 36-8-16.6-13, AS AMENDED BY P.L.36-2016,  
 29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2024]: Sec. 13. The ~~enhanced~~ **911 service** prepaid wireless  
 31 charge is the liability of the consumer and not of the seller or a  
 32 provider. However, except as provided in section 15 of this chapter, a  
 33 seller is liable to remit to the department all ~~enhanced~~ **911 service**  
 34 prepaid wireless charges that the seller collects from consumers under  
 35 section 12 of this chapter, including all charges that the seller is  
 36 considered to collect where the amount of the charge has not been  
 37 separately stated on an invoice, receipt, or other similar document  
 38 provided to the consumer by the seller.

39 SECTION 10. IC 36-8-16.6-14, AS ADDED BY P.L.113-2010,  
 40 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2024]: Sec. 14. The amount of the ~~enhanced~~  
 42 **911 service** prepaid wireless charge that is collected by a seller from



1 a consumer, whether or not separately stated on an invoice, receipt, or  
 2 other similar document provided to the consumer by the seller, may not  
 3 be included in the base for determining a tax, fee, surcharge, or other  
 4 charge that is imposed by the state, a political subdivision, or any other  
 5 governmental agency.

6 SECTION 11. IC 36-8-16.6-16, AS AMENDED BY P.L.181-2015,  
 7 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2024]: Sec. 16. (a) A seller is subject to the same audit and  
 9 appeal procedures with respect to the collection and remittance of  
 10 **enhanced 911 service** prepaid wireless charges as with collection and  
 11 remittance of the state gross retail tax under IC 6-2.5.

12 (b) An audit under subsection (a) must be conducted either:

- 13 (1) jointly by the department of state revenue and the board; or
- 14 (2) by an independent auditor engaged by the board to conduct a  
 15 cost effective flat rate audit.

16 (c) If an independent auditor is engaged by the board under  
 17 subsection (b)(2), the terms of the engagement may not:

- 18 (1) be of an indefinite term;
- 19 (2) include hourly or per diem fees; or
- 20 (3) include payment based on contingency.

21 SECTION 12. IC 36-8-16.6-17, AS AMENDED BY P.L.157-2015,  
 22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2024]: Sec. 17. (a) The department, in conjunction and  
 24 coordination with the board, shall establish procedures:

- 25 (1) governing the collection and remittance of **enhanced 911**  
 26 **service** prepaid wireless charges in accordance with the  
 27 procedures established under IC 6-8.1 concerning listed taxes;  
 28 and
- 29 (2) allowing a seller to document that a sale of prepaid wireless  
 30 telecommunications service is not a retail transaction.

31 (b) A procedure established under subsection (a)(1):

- 32 (1) must take into consideration the differences between large and  
 33 small sellers, including smaller sales volumes; and
- 34 (2) may establish lower thresholds for the remittance of **enhanced**  
 35 **911 service** prepaid wireless charges by small sellers.

36 For purposes of this subsection, a small seller is a seller that sells less  
 37 than one hundred dollars (\$100) of prepaid wireless  
 38 telecommunications service each month.

39 (c) On an annual basis, the board may audit providers to determine  
 40 compliance with procedures established under subsection (a). Not later  
 41 than March 1 of the year immediately following an audit, the board  
 42 shall submit, in an electronic format under IC 5-14-6, a copy of the



1 audit to the general assembly and the budget committee.

2 SECTION 13. IC 36-8-16.6-18, AS AMENDED BY P.L.132-2012,  
3 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2024]: Sec. 18. (a) The department shall deposit all remitted  
5 **enhanced 911 service** prepaid wireless charges in the fund.

6 (b) The board shall administer money deposited in the fund under  
7 this section in the same manner as it administers statewide 911 fees  
8 assessed under IC 36-8-16.7-32.

9 SECTION 14. IC 36-8-16.6-20, AS AMENDED BY P.L.132-2012,  
10 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2024]: Sec. 20. (a) An additional fee relating to the provision  
12 of 911 service with respect to prepaid wireless telecommunications  
13 service may not be levied by a state agency or local unit of government.

14 (b) The **enhanced 911 service** prepaid wireless charge imposed by  
15 section 12 of this chapter is not considered an additional charge  
16 relating to the provision of 911 service for purposes of  
17 IC 36-8-16.7-32(d).

18 SECTION 15. IC 36-8-16.6-21, AS ADDED BY P.L.113-2010,  
19 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2024]: Sec. 21. The following are not required  
21 to take legal action to enforce the collection of ~~an~~ **enhanced a 911**  
22 **service** prepaid wireless charge that is imposed on a consumer:

23 (1) A provider.

24 (2) A seller.

25 However, the department or the board may initiate a collection action.  
26 A court finding for the department or the board, as applicable, in an  
27 action may award reasonable costs and attorney's fees associated with  
28 the collection action.

29 SECTION 16. IC 36-8-16.7-2, AS ADDED BY P.L.132-2012,  
30 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2024]: Sec. 2. As used in this chapter, "automatic location  
32 information" means information that is transmitted while ~~enhanced~~ 911  
33 service is provided and that permits emergency service providers to  
34 identify the geographic location of the ~~calling~~ party **initiating the**  
35 **communication.**

36 SECTION 17. IC 36-8-16.7-7, AS ADDED BY P.L.132-2012,  
37 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2024]: Sec. 7. (a) As used in this chapter, "communications  
39 service" means any service that:

40 (1) uses telephone numbers or IP addresses or their functional  
41 equivalents or successors;

42 (2) allows access to, or a connection or interface with, a 911



1 system through the activation or enabling of a device,  
2 transmission medium, or technology that is used by a customer to  
3 dial, initialize, or otherwise activate the 911 system, regardless of  
4 the particular device, transmission medium, or technology  
5 employed;

6 (3) provides or enables real time or interactive communications,  
7 other than machine to machine communications; and

8 (4) is available to a prepaid user or a standard user.

9 (b) The term includes the following:

10 (1) Internet protocol enabled services and applications that are  
11 provided through wireline, cable, wireless, or satellite facilities,  
12 or any other facility or platform that is capable of **establishing or**  
13 **connecting a 911 communication from the public to be relayed**  
14 **to a PSAP.**

15 (2) A multiline telephone system.

16 (3) CMRS.

17 (4) Interconnected VOIP service and voice over power lines.

18 (5) Integrated telecommunications service (as defined in 47 CFR  
19 400.2).

20 SECTION 18. IC 36-8-16.7-9, AS ADDED BY P.L.132-2012,  
21 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2024]: Sec. 9. (a) As used in this chapter, "~~enhanced~~ "911  
23 service" means a communications service that uses the three (3) digit  
24 number 911 to send:

25 (1) automatic number identification or its functional equivalent or  
26 successor; and

27 (2) automatic location information or its functional equivalent or  
28 successor;

29 for reporting police, fire, medical, or other emergency situations.

30 (b) The term includes both Phase I and Phase II enhanced 911  
31 services, as described in 47 CFR 20.18.

32 SECTION 19. IC 36-8-16.7-20, AS ADDED BY P.L.132-2012,  
33 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2024]: Sec. 20. As used in this chapter, "PSAP" refers to a  
35 public safety answering point:

36 (1) that operates on a twenty-four (24) hour basis; and

37 (2) whose primary function is to receive incoming requests for  
38 emergency assistance and relay those requests to an appropriate  
39 responding public safety agency.

40 **The term includes an emergency communications center (ECC)**  
41 **which shall not be construed to create an additional PSAP.**

42 SECTION 20. IC 36-8-16.7-27, AS AMENDED BY THE



1 TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL  
 2 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2024]: Sec. 27. (a) The board may do the following to  
 4 implement this chapter:

5 (1) Sue and be sued.

6 (2) Adopt and alter an official seal.

7 (3) Adopt and enforce bylaws and rules for:

8 (A) the conduct of board business; and

9 (B) the use of board services and facilities.

10 (4) Subject to subsection (c), acquire, hold, use, and otherwise  
 11 dispose of the board's income, revenues, funds, and money.

12 (5) Subject to subsections (b) and (c), enter into contracts,  
 13 including contracts:

14 (A) for professional services;

15 (B) for purchase of supplies or services; and

16 (C) to acquire office space.

17 (6) Subject to subsection (c), hire staff.

18 (7) Adopt rules under IC 4-22-2 to implement this chapter.

19 (8) Develop, maintain, and update a statewide 911 plan.

20 (9) Subject to subsection (c), administer the statewide 911 fund  
 21 established by section 29 of this chapter.

22 (10) Administer and distribute the statewide 911 fee in  
 23 accordance with section 37 of this chapter.

24 (11) Subject to subsection (c), administer statewide 911 grants in  
 25 accordance with state and federal guidelines.

26 (12) Obtain from each PSAP operating statistics and other  
 27 performance measurements, including call statistics by category  
 28 and emergency medical dispatching (EMD) certifications.

29 **(13) Take action as needed to ensure that the statewide 911**  
 30 **system and PSAPs served by the statewide 911 system**  
 31 **establish and maintain an adequate security posture to ensure**  
 32 **public safety and the protection of personal information.**

33 ~~(13)~~ (14) Take other necessary or convenient actions to  
 34 implement this chapter that are not inconsistent with Indiana law.

35 (b) A contract for the purchase of communications service or  
 36 equipment by the board must be awarded through an invitation for bids  
 37 or a request for proposals as described in IC 5-22. The board shall enter  
 38 into a cooperative agreement with the Indiana department of  
 39 administration for the department to administer the board's purchases  
 40 under this chapter using the department's purchasing agents.

41 (c) The board shall be considered a state agency for purposes of  
 42 IC 5-14-3.5. Subject to IC 5-14-3.5-4, the following shall be posted to



1 the Indiana transparency ~~Internet web site~~ **website** in accordance with  
 2 IC 5-14-3.5-2:

3 (1) Expenditures by the board, including expenditures for  
 4 contracts, grants, and leases.

5 (2) The balance of the statewide 911 fund established by section  
 6 29 of this chapter.

7 (3) A listing of the board's real and personal property that has a  
 8 value of more than twenty thousand dollars (\$20,000).

9 The board shall cooperate with and provide information to the ~~auditor~~  
 10 ~~of state~~ **comptroller** as required by IC 5-14-3.5-8.

11 **(d) Information relating to security measures or precautions**  
 12 **used to secure the statewide 911 system may be excepted from**  
 13 **public disclosure under IC 5-14-3-4 at the discretion of the board.**

14 SECTION 21. IC 36-8-16.7-29, AS ADDED BY P.L.132-2012,  
 15 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2024]: Sec. 29. (a) The statewide 911 fund is established for  
 17 the purposes of creating and maintaining a uniform statewide 911  
 18 system. The board shall administer the fund. The expenses of  
 19 administering the fund must be paid from money in the fund.

20 (b) The fund consists of the following:

21 (1) The statewide 911 fee assessed on users under section 32 of  
 22 this chapter.

23 (2) Appropriations made by the general assembly.

24 (3) Grants and gifts intended for deposit in the fund.

25 (4) Interest, premiums, gains, or other earnings on the fund.

26 (5) ~~Enhanced 911 service~~ prepaid wireless charges collected and  
 27 remitted under IC 36-8-16.6-12.

28 (6) Money from any other source that is deposited in or  
 29 transferred to the fund.

30 (c) The treasurer of state may invest money in the fund in the same  
 31 manner as other funds of the state may be invested under IC 5-13.

32 (d) The fund is considered a trust fund for purposes of IC 4-9.1-1-7.  
 33 Money in the fund:

34 (1) does not revert at the end of any state fiscal year but remains  
 35 available for the purposes of the fund in subsequent state fiscal  
 36 years, notwithstanding IC 4-13-2-19 or any other law; and

37 (2) is not subject to transfer to any other fund or to transfer,  
 38 assignment, or reassignment for any other use or purpose by:

39 (A) the state board of finance notwithstanding IC 4-9.1-1-7,  
 40 IC 4-13-2-23, or any other law; or

41 (B) the budget agency or any other state agency  
 42 notwithstanding IC 4-12-1-12 or any other law.



1 (e) Money in the fund is continuously appropriated for the purposes  
2 of the fund.

3 SECTION 22. IC 36-8-16.7-32, AS AMENDED BY P.L.131-2023,  
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2024]: Sec. 32. (a) Except as provided in subsections (b) and  
6 (d), and subject to section 48(e) of this chapter, the board shall assess  
7 a monthly statewide 911 fee on each standard user that is a customer  
8 having a place of primary use in Indiana at a rate that ensures full  
9 recovery of the amount needed for the board to make distributions to  
10 county treasurers consistent with this chapter and that provides for the  
11 proper development, operation, and maintenance of a statewide 911  
12 system. The amount of the fee assessed under this subsection is one  
13 dollar (\$1). The board may adjust the statewide 911 fee to ensure  
14 adequate revenue for the board to fulfill the board's duties and  
15 obligations under this chapter, subject to the following:

16 (1) The following apply to an increase in the fee:

17 (A) The board may increase the fee only one (1) time after  
18 April 30, 2023, and before July 1, 2026, in an amount not to  
19 exceed ten cents (\$0.10).

20 (B) The board may increase the fee only after review by the  
21 budget committee.

22 (2) The fee may not be lowered more than one (1) time in a  
23 calendar year.

24 (3) The fee may not be lowered by an amount that is more than  
25 ten cents (\$0.10) without legislative approval.

26 (b) The fee assessed under this section does not apply to a prepaid  
27 user in a retail transaction under IC 36-8-16.6.

28 (c) An additional fee relating to the provision of 911 service may  
29 not be levied by a state agency or local unit of government. ~~An~~  
30 **enhanced A 911 service** prepaid wireless charge (as defined in  
31 ~~IC 36-8-16.6-4~~ **IC 36-8-16.6-0.5**) is not considered an additional fee  
32 relating to the provision of wireless 911 service for purposes of this  
33 section.

34 (d) A user is exempt from the fee if the user is any of the following:

35 (1) The federal government or an agency of the federal  
36 government.

37 (2) The state or an agency or instrumentality of the state.

38 (3) A political subdivision (as defined in IC 36-1-2-13) or an  
39 agency of a political subdivision.

40 (4) A user that accesses communications service solely through  
41 a wireless data only service plan.

42 (e) This subsection applies to an eligible telecommunications carrier



1 for purposes of receiving Lifeline reimbursement from the universal  
 2 service fund through the administrator designated by the Federal  
 3 Communications Commission. An eligible telecommunications carrier:

- 4 (1) is not considered an agency of the federal government for  
 5 purposes of the exemption set forth in subsection (d); and  
 6 (2) with respect to communications service provided to end users  
 7 by the eligible telecommunications carrier in its capacity as an  
 8 eligible telecommunications carrier, is liable for the fee assessed  
 9 under subsection (f).

10 (f) Beginning September 1, 2015, and on the first day of each month  
 11 thereafter, an eligible telecommunications carrier described in  
 12 subsection (e) shall pay to the board a fee equal to the product of the  
 13 following factors:

- 14 (1) The monthly statewide 911 fee established under subsection  
 15 (a).  
 16 (2) The number of unique end users for which the eligible  
 17 telecommunications carrier received reimbursement from the  
 18 universal service fund during the immediately preceding month.

19 The eligible telecommunications carrier may bill and collect from each  
 20 end user the fees calculated under this subsection with respect to the  
 21 end user. The eligible telecommunications carrier shall determine the  
 22 manner in which the eligible telecommunications carrier bills and  
 23 collects the fees. Except as provided in section ~~33(e)~~ **33(d)** of this  
 24 chapter, an eligible telecommunications carrier may not bill and collect  
 25 from an end user an amount greater than the fees paid by the eligible  
 26 telecommunications carrier to the board with respect to the end user.

27 (g) If the board increases **or decreases** the statewide 911 fee under  
 28 subsection (a), the board shall provide written notice to the department  
 29 of state revenue not later than sixty (60) days before the date the  
 30 increase **or decrease** takes effect that includes:

- 31 (1) the effective date for the increase **or decrease**; and  
 32 (2) the amount of the charge as increased **or decreased** by the  
 33 board.

34 SECTION 23. IC 36-8-16.7-33, AS AMENDED BY P.L.36-2016,  
 35 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2024]: Sec. 33. (a) As part of the provider's normal monthly  
 37 billing process, a provider:

- 38 (1) shall collect the fee from each standard user that is a customer  
 39 having a place of primary use in Indiana; and  
 40 (2) may list the fee as a separate line item on each bill.

41 (b) If a provider receives a partial payment for a monthly bill from  
 42 a standard user, the provider shall apply the payment against the





1 amount the standard user owes to the provider before applying the  
 2 payment against the fee. A provider may not prorate the monthly 911  
 3 fee collected from a user.

4 ~~(b)~~ (c) Subject to subsection ~~(e)~~, (d), a provider shall remit statewide  
 5 911 fees collected under this section to the board at the time and in the  
 6 manner prescribed by the board. However, the board shall require a  
 7 provider to report to the board, no less frequently than on an annual  
 8 basis, the amount of fees collected from all of the provider's customers  
 9 described in subsection (a)(1) and remitted to the board under this  
 10 section. The board may require a provider to submit a report required  
 11 under this subsection at the same time that the provider remits fees to  
 12 the board under this section. The board shall deposit all remitted  
 13 statewide 911 fees in the fund.

14 ~~(c)~~ (d) A provider, including an eligible telecommunications carrier  
 15 under section 32(f) of this chapter, may deduct and retain an amount  
 16 not to exceed one percent (1%) of fees that the **service** provider  
 17 collects from users under this section or section 32 of this chapter, to  
 18 reimburse the direct costs incurred by the **service** provider in collecting  
 19 and remitting the fees.

20 **(e) All originating providers that provide 911 service for their**  
 21 **customers shall connect to the state 911 system using an industry**  
 22 **standard or functional equivalent, as determined by the board. The**  
 23 **originating provider must establish and maintain the connection in**  
 24 **accordance with all applicable regulatory requirements requiring**  
 25 **service continuity and ensure access to public safety assistance.**

26 SECTION 24. IC 36-8-16.7-34, AS AMENDED BY P.L.36-2016,  
 27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2024]: Sec. 34. The statewide 911 fee is the liability of the  
 29 user and not of a provider. However, except as provided in section  
 30 ~~33(e)~~ **33(d)** of this chapter, a provider is liable to remit to the board all  
 31 statewide 911 fees that the provider collects from users.

32 SECTION 25. IC 36-8-16.7-38, AS AMENDED BY P.L.13-2022,  
 33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2024]: Sec. 38. (a) A PSAP may use a distribution from a  
 35 county under this chapter only for the following:

- 36 (1) The lease, purchase, or maintenance of communications  
 37 service equipment.
- 38 (2) Necessary system hardware and software and data base  
 39 equipment.
- 40 (3) Personnel expenses, including wages, benefits, training, and  
 41 continuing education, only to the extent reasonable and necessary  
 42 for the provision and maintenance of:



- 1 (A) the statewide 911 system; or  
 2 (B) a wireline enhanced emergency telephone system funded  
 3 under IC 36-8-16 (before its repeal on July 1, 2012).  
 4 (4) Operational costs, including costs associated with:  
 5 (A) utilities;  
 6 (B) maintenance;  
 7 (C) equipment designed to provide backup power or system  
 8 redundancy, including generators; and  
 9 (D) call logging equipment.  
 10 (5) An emergency notification system that is approved by the  
 11 board under section 40 of this chapter.  
 12 (6) Connectivity to the Indiana data and communications system  
 13 (IDACS).  
 14 (7) Rates associated with communications service providers'  
 15 ~~enhanced 911 service~~ emergency communications system  
 16 network services.  
 17 (8) Mobile radio equipment used by first responders. ~~other than~~  
 18 ~~radio equipment purchased under subdivision (9) as a result of the~~  
 19 ~~narrow banding requirements specified by the Federal~~  
 20 ~~Communications Commission.~~  
 21 (9) ~~Up to fifty percent (50%) of the costs associated with the~~  
 22 ~~narrow banding or replacement of radios or other equipment as a~~  
 23 ~~result of the narrow banding requirements specified by the~~  
 24 ~~Federal Communications Commission.~~  
 25 (b) A PSAP may not use a distribution from a county under this  
 26 chapter for the following:  
 27 (1) The construction, purchase, renovation, or furnishing of PSAP  
 28 buildings.  
 29 (2) Vehicles.  
 30 (c) Not later than January 31 of each year, each PSAP shall submit  
 31 to the board a report of the following:  
 32 (1) All expenditures made during the immediately preceding  
 33 calendar year from distributions under this chapter.  
 34 (2) Call data and statistics for the immediately preceding calendar  
 35 year, as specified by the board and collected in accordance with  
 36 any reporting method established or required by the board.  
 37 (3) All costs associated with dispatching appropriate public safety  
 38 agencies to respond to 911 calls received by the PSAP.  
 39 (4) All funding sources and amounts of funding used for costs  
 40 described in subdivision (3).  
 41 (5) Public safety telecommunicator continuing education  
 42 requirements established under IC 36-8-16.8-8(a)(2).



1 (d) The state board of accounts shall audit the expenditures of  
 2 distributions under this chapter by each PSAP that receives  
 3 distributions under this chapter. In conducting an audit under this  
 4 subsection, the state board of accounts shall determine, in conjunction  
 5 with the board, whether the expenditures made by each PSAP are in  
 6 compliance with subsections (a) and (b). The board shall review and  
 7 further audit any ineligible expenditure identified by the state board of  
 8 accounts under this subsection or through any other report. If the board  
 9 verifies that the expenditure did not comply with this section, the board  
 10 shall ensure that the fund is reimbursed in the dollar amount of the  
 11 noncomplying expenditure from any source of funding, other than a  
 12 fund described in subsection (e), that is available to the PSAP or to a  
 13 unit in which the PSAP is located.

14 (e) A distribution under section 37(a)(2) of this chapter must be  
 15 deposited by the treasurer of the county in a separate fund set aside for  
 16 the purposes allowed by subsections (a) and (b). The fund must be  
 17 known as the \_\_\_\_\_ (insert name of county) 911 fund. The county  
 18 treasurer may invest money in the fund in the same manner that other  
 19 money of the county may be invested, but income earned from the  
 20 investment must be deposited in the fund set aside under this  
 21 subsection.

22 (f) Not later than November 1 of each year, the board shall provide  
 23 in an electronic format under IC 5-14-6 to the general assembly the  
 24 information submitted under subsection (c)(3) and (c)(4).

25 SECTION 26. IC 36-8-16.7-39, AS ADDED BY P.L.132-2012,  
 26 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2024]: Sec. 39. (a) In cooperation with the board, a provider  
 28 shall designate a person to coordinate with and provide all relevant  
 29 information to the board to assist the board in carrying out its duties  
 30 under this chapter.

31 (b) A provider shall provide the automatic number identification, **or**  
 32 **a functional equivalent or successor**, and any other information,  
 33 including updates, required by the board to the county, the  
 34 municipality, an authorized agent of a county or municipality, or the  
 35 board or the board's authorized agent for purposes of establishing and  
 36 maintaining a 911 system data base **or online network repository of**  
 37 **the data**. The board may use confidential information received under  
 38 this subsection solely for the purpose of providing statewide 911  
 39 service.

40 SECTION 27. IC 36-8-16.7-40, AS ADDED BY P.L.132-2012,  
 41 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2024]: Sec. 40. (a) As used in this section, "emergency



1 notification system" means ~~an enhanced~~ **a method associated with a**  
 2 911 system capability that provides communications service users  
 3 within the territory served by a PSAP with a warning, delivered through  
 4 a device or medium by which users receive communications service  
 5 from a provider, of an emergency situation through a computerized  
 6 warning system that uses 911 data base information and technology.

7 (b) With approval of the board, a county may establish an  
 8 emergency notification system. If the board approves the establishment  
 9 of an emergency notification system in a county, a PSAP in the county  
 10 may use funds distributed to it under this chapter to establish and  
 11 operate an emergency notification system under this section.

12 (c) A provider shall provide to a PSAP the necessary user data to  
 13 enable the PSAP to implement an emergency notification system under  
 14 this section. The provision of data under this subsection is subject to  
 15 section 41 of this chapter. In providing data under this subsection, the  
 16 provider shall provide the following information for each service user  
 17 in the PSAP's service territory:

18 (1) The service address of the user.

19 (2) The class of service provided to the user.

20 (3) A designation of listed, unlisted, or nonpublished with respect  
 21 to any telephone number (or other functionally equivalent  
 22 identification number) associated with the user's service or  
 23 account.

24 The provider shall provide this data to the PSAP on a quarterly basis.  
 25 The provider may charge a reasonable fee to the PSAP for the  
 26 administrative costs of providing the data.

27 SECTION 28. IC 36-8-16.7-41, AS ADDED BY P.L.132-2012,  
 28 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2024]: Sec. 41. (a) A provider shall, upon request, provide to  
 30 a PSAP the necessary user data to enable the PSAP to implement and  
 31 operate a 911 system. User data provided to a PSAP for the purpose of  
 32 implementing or updating a 911 system may be used only to identify:

33 (1) a user;

34 (2) a user's place of primary use; or

35 (3) the information described in both subdivisions (1) and (2);

36 and may not be used or disclosed by the PSAP, or its agents or  
 37 employees, for any other purpose unless the data is used or disclosed  
 38 under a court order. A person who recklessly, knowingly, or  
 39 intentionally violates this subsection commits a Class A misdemeanor.

40 (b) After May 31, 1988, a contract entered into between a provider  
 41 and a user who has an unlisted or nonpublished telephone number (or  
 42 other functionally equivalent identification number) may not include



1 a provision that prohibits the provider from providing the user's  
 2 telephone number (or other functionally equivalent identification  
 3 number) to a PSAP for inclusion in a 911 system data base. A provider  
 4 (other than a provider who, before June 1, 1988, has contracted to not  
 5 divulge a subscriber's unlisted or nonpublished telephone number (or  
 6 other functionally equivalent identification number)) shall provide a  
 7 requesting PSAP with the name, telephone number (or other  
 8 functionally equivalent identification number), and place of primary  
 9 use for each user of the provider. A PSAP may not release a telephone  
 10 number (or other functionally equivalent identification number)  
 11 required to be provided under this subsection to any person except as  
 12 provided in subsection (a).

13 (c) A provider may amend or terminate a contract with a user if:

14 (1) the contract contains a provision that prohibits the provider  
 15 from providing the user's telephone number (or other functionally  
 16 equivalent identification number) to a PSAP for inclusion in a 911  
 17 system data base **or online network source;**

18 (2) the exclusion of the telephone number (or other functionally  
 19 equivalent identification number) from the data base would  
 20 negate the purpose of this chapter; and

21 (3) the user is notified of the proposed amendment or termination  
 22 of a contract at least one hundred eighty (180) days before the  
 23 provider takes action.

24 SECTION 29. IC 36-8-16.7-48, AS AMENDED BY P.L.114-2022,  
 25 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2024]: Sec. 48. (a) The budget committee shall review the  
 27 statewide 911 system governed by this chapter for the two (2) calendar  
 28 years ending:

29 (1) December 31, ~~2013~~; **2026**; and

30 (2) December 31, ~~2014~~. **2030**.

31 (b) In conducting the review required by this section, the budget  
 32 committee may examine the following:

33 (1) Whether the fund is being administered by the board in  
 34 accordance with this chapter.

35 (2) The collection, disbursement, and use of the statewide 911 fee  
 36 assessed under section 32 of this chapter. In performing a review  
 37 under this subdivision, the budget committee may examine  
 38 whether the statewide 911 fee:

39 (A) is being assessed in an amount that is reasonably  
 40 necessary to provide adequate and efficient 911 service; and

41 (B) is being used only for the purposes set forth in this chapter.

42 (3) Any other data, reports, or information the budget committee



- 1 determines is necessary to review the statewide 911 system  
 2 governed by this chapter.
- 3 (c) Subject to section 42 of this chapter, the board, the state board  
 4 of accounts, political subdivisions, **service** providers, and PSAPs shall  
 5 provide to the budget committee all relevant data, reports, and  
 6 information requested by the budget committee to assist the budget  
 7 committee in carrying out its duties under this section.
- 8 (d) After conducting the review required by this section, the budget  
 9 committee shall, not later than June 1, ~~2015~~, **2031**, report its findings  
 10 to the legislative council. The budget committee's findings under this  
 11 subsection:
- 12 (1) must include a recommendation as to whether the statewide  
 13 911 fee assessed under section 32 of this chapter should continue  
 14 to be assessed and collected under this chapter after June 30,  
 15 ~~2015~~, **2031**; and
- 16 (2) if the budget committee recommends under subdivision (1)  
 17 that the statewide 911 fee assessed under section 32 of this  
 18 chapter should continue to be assessed and collected under this  
 19 chapter after June 30, ~~2015~~, **2031**, may include recommendations  
 20 for the introduction in the general assembly of any legislation that  
 21 the budget committee determines is necessary to ensure that the  
 22 statewide 911 system governed by this chapter is managed in a  
 23 fair and fiscally prudent manner.
- 24 A report to the legislative council under this subsection must be in an  
 25 electronic format under IC 5-14-6.
- 26 (e) If the budget committee does not recommend in its report under  
 27 subsection (d) that the statewide 911 fee assessed under section 32 of  
 28 this chapter should continue to be assessed and collected under this  
 29 chapter after June 30, ~~2015~~, **2031**, the statewide 911 fee assessed under  
 30 section 32 of this chapter expires July 1, ~~2015~~, **2031**, and may not be  
 31 assessed or collected after June 30, ~~2015~~. **2031**.



COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill No. 232, 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 18, line 34, delete "(a)".

Page 18, line 40, delete "(b)".

Page 18, line 40, block left beginning with "The".

Page 18, line 41, delete "." and insert "**which shall not be construed to create an additional PSAP.**".

and when so amended that said bill do pass.

(Reference is to SB 232 as introduced.)

CRIDER, Chairperson

Committee Vote: Yeas 8, Nays 0.

