

SENATE BILL No. 281

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Grand juries. Abolishes the grand jury. Makes conforming amendments, and repeals superseded provisions. Makes technical corrections.

Effective: July 1, 2014.

Delph

January 13, 2014, read first time and referred to Committee on Judiciary.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 281



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

1 SECTION 1. IC 3-6-6-12 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) A county election board
3 shall remove a member of a precinct election board and declare the
4 office vacant if:
5 (1) at any time before or during an election the county election
6 board is notified by the affidavit of two (2) or more voters of the
7 precinct that the member is not qualified; and
8 (2) the board determines that the statements made in the affidavit
9 concerning the disqualification of the precinct election board
10 member are true.
11 (b) If the disqualified member has taken the oath of office required
12 by this chapter, the circuit court clerk shall attach the oath to the poll
13 list and shall ~~place~~ **transmit** the affidavit and oath ~~before the next~~
14 ~~grand jury of the county.~~ **to the prosecuting attorney.**
15 SECTION 2. IC 3-6-8-6 IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2014]: Sec. 6. A watcher appointed under this



1 chapter shall report any violation of the election laws that comes to the
2 watcher's attention to the ~~county grand jury~~ or prosecuting attorney.

3 SECTION 3. IC 3-10-1-31.1, AS AMENDED BY P.L.141-2011,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2014]: Sec. 31.1. (a) This section applies only to election
6 materials for elections held after December 31, 2003.

7 (b) The inspector of each precinct shall deliver the bags required by
8 section 30(a) and 30(c) of this chapter in good condition, together with
9 poll lists, tally sheets, and other forms, to the circuit court clerk when
10 making returns.

11 (c) Except for unused ballots disposed of under IC 3-11-3-31 or
12 affidavits received by the county election board under IC 3-14-5-2 for
13 delivery to the ~~foreman of a grand jury~~, **prosecuting attorney**, the
14 circuit court clerk shall seal the ballots (including provisional ballots)
15 and other material (including election material related to provisional
16 ballots) during the time allowed to file a verified petition or
17 cross-petition for a recount of votes or to contest the election. Except
18 as provided in subsection (d) and notwithstanding any other provision
19 of state law, after the recount or contest filing period, the election
20 material, including election material related to provisional ballots
21 (except for ballots and provisional ballots, which remain confidential)
22 shall be made available for copying and inspection under IC 5-14-3.
23 The circuit court clerk shall carefully preserve the sealed ballots and
24 other material for twenty-two (22) months, as required by 42 U.S.C.
25 1974, after which the sealed ballots and other material are subject to
26 IC 5-15-6 unless an order issued under:

- 27 (1) IC 3-12-6-19 or IC 3-12-11-16; or
28 (2) 42 U.S.C. 1973;

29 requires the continued preservation of the ballots or other material.

30 (d) If a petition for a recount or contest is filed, the material for that
31 election remains confidential until completion of the recount or contest.

32 (e) Upon delivery of the poll lists, the county voter registration
33 office may unseal the envelopes containing the poll lists. For the
34 purposes of:

- 35 (1) a cancellation of registration conducted under IC 3-7-43
36 through IC 3-7-46;
37 (2) a transfer of registration conducted under IC 3-7-39,
38 IC 3-7-40, or IC 3-7-42;
39 (3) a change of name made under IC 3-7-41;
40 (4) adding the registration of a voter under IC 3-7-48-8; or
41 (5) recording that a voter subject to IC 3-7-33-4.5 submitted the
42 documentation required under 42 U.S.C. 15483 and IC 3-11-8 or



1 IC 3-11-10;
 2 the county voter registration office may inspect the poll lists and update
 3 the registration record of the county. The county voter registration
 4 office shall use the poll lists to update the registration record to include
 5 the voter's voter identification number if the voter's voter identification
 6 number is not already included in the registration record. Upon
 7 completion of the inspection, the poll list shall be preserved with the
 8 ballots and other materials in the manner prescribed by subsection (c)
 9 for the period prescribed by subsections (c) and (d).

10 (f) This subsection does not apply to ballots, including provisional
 11 ballots. Notwithstanding subsection (c), if a county voter registration
 12 office determines that the inspection and copying of precinct election
 13 material would reveal the political parties, candidates, and public
 14 questions for which an individual cast an absentee ballot, the county
 15 voter registration office shall keep confidential only that part of the
 16 election material necessary to protect the secrecy of the voter's ballot.
 17 In addition, the county voter registration office shall keep confidential
 18 information contained in material related to provisional ballots that
 19 identifies an individual, except for the individual's name, address, and
 20 birth date.

21 (g) After the expiration of the period described in subsection (c) or
 22 (d), the ballots may be destroyed in the manner provided by
 23 IC 3-11-3-31 or transferred to a state educational institution as
 24 provided by IC 3-12-2-12.

25 SECTION 4. IC 3-14-3-4, AS AMENDED BY P.L.158-2013,
 26 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2014]: Sec. 4. (a) A person who:

28 (1) knowingly obstructs or interferes with an election officer in
 29 the discharge of the officer's duty; or
 30 (2) knowingly obstructs or interferes with a voter within the
 31 chute;
 32 commits a Level 6 felony.

33 (b) A person who knowingly injures an election officer or a voter:
 34 (1) in the exercise of the officer's or voter's rights or duties; or
 35 (2) because the officer or voter has exercised the officer's or
 36 voter's rights or duties;
 37 commits a Level 6 felony.

38 (c) A person called as a witness to testify against another for a
 39 violation of this section is a competent witness to prove the offense
 40 even though the person may have been a party to the violation. The
 41 person shall be compelled to testify as other witnesses. However, the
 42 person's evidence may not be used against the person in a prosecution



1 growing out of matters about which the person testifies, and the person
2 is not liable ~~to indictment or under~~ information for the offense.

3 SECTION 5. IC 3-14-5-1, AS AMENDED BY P.L.230-2005,
4 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2014]: Sec. 1. (a) This section applies during an election
6 whenever a voter makes an affidavit before the inspector in a precinct
7 that a person who has voted is an illegal voter in the precinct. This
8 section does not apply to an affidavit executed by an individual who:

- 9 (1) is subject to the requirements set forth in IC 3-7-33-4.5;
10 (2) is challenged solely as a result of the individual's inability or
11 refusal to comply with IC 3-7-33-4.5; and
12 (3) subsequently complies with IC 3-7-33-4.5 before the close of
13 the polls on election day.

14 (b) Immediately after the close of the polls the inspector shall
15 deliver the affidavit to the county election board for delivery by the
16 prosecuting attorney for the county ~~to the grand jury~~ under section 2 of
17 this chapter. The prosecuting attorney for the county shall:

- 18 (1) proceed as if the affidavit had been made before the
19 prosecuting attorney; and
20 (2) ~~ensure that the grand jury notifies~~ **notify** the NVRA official
21 under section 2 of this chapter if a violation of NVRA appears to
22 have occurred.

23 SECTION 6. IC 3-14-5-2, AS AMENDED BY P.L.230-2005,
24 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2014]: Sec. 2. (a) Each precinct election board shall, at the
26 close of the polls, place all affidavits prescribed by this title for use on
27 election day to determine the eligibility of a precinct election officer (or
28 a person who wishes to cast a ballot) in a strong paper bag or envelope
29 and securely seal it. Each member shall endorse that member's name
30 on the back of the bag or envelope.

31 (b) The inspector and judge of the opposite political party shall
32 deliver the sealed bag or envelope to the county election board. The
33 county election board shall do the following:

- 34 (1) Remove the affidavits from the bag or envelope.
35 (2) Mail a copy of each affidavit to the secretary of state.
36 (3) Replace the affidavits within the bag or envelope.
37 (4) Reseal the bag or envelope with the endorsement of the name
38 of each county election board member on the back of the bag or
39 envelope.
40 (5) Carefully preserve the resealed bag or envelope and deliver it,
41 with the county election board's seal unbroken, to the ~~foreman of~~
42 ~~the grand jury when next in session:~~ **prosecuting attorney.**



1 (c) The ~~grand jury prosecuting attorney~~ shall inquire into the truth
 2 or falsity of the affidavits. ~~and the court having jurisdiction over the~~
 3 ~~grand jury shall specially charge the jury as to its duties under this~~
 4 ~~section.~~

5 (d) The ~~grand jury prosecuting attorney~~ shall file a report of the
 6 result of ~~its~~ ~~the~~ inquiry with:

7 (1) the court; and

8 (2) the NVRA official if a violation of NVRA appears to have
 9 occurred.

10 SECTION 7. IC 3-14-5-3, AS AMENDED BY P.L.81-2005,
 11 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2014]: Sec. 3. (a) This section does not apply to a violation of
 13 NVRA or IC 3-7.

14 (b) The commission and each county election board shall report a
 15 violation of this title as a felony or misdemeanor to the appropriate
 16 prosecuting attorney and the alleged violator.

17 (c) ~~The commission and boards may have the report transmitted and~~
 18 ~~presented to the grand jury of the county in which the violation was~~
 19 ~~committed at its first session after making the report and at subsequent~~
 20 ~~sessions that may be required. The commission and boards shall~~
 21 ~~furnish the grand jury any evidence at their command necessary in the~~
 22 ~~investigation and prosecution of the violation.~~

23 SECTION 8. IC 3-14-5-5 IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2014]: Sec. 5. When an election offense is
 25 committed, an ~~indictment~~ or information for the offense is sufficient if
 26 it alleges that the election was authorized by law without stating the
 27 names of the officers holding the election, the candidates voted for, or
 28 the offices filled at the election.

29 SECTION 9. IC 4-2-7-7, AS ADDED BY P.L.222-2005, SECTION
 30 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 31 2014]: Sec. 7. (a) If the inspector general discovers evidence of
 32 criminal activity, the inspector general shall certify to the appropriate
 33 prosecuting attorney the following information:

34 (1) The identity of any person who may be involved in the
 35 criminal activity.

36 (2) The criminal statute that the inspector general believes has
 37 been violated.

38 In addition, the inspector general shall provide the prosecuting attorney
 39 with any relevant documents, transcripts, or written statements. If the
 40 prosecuting attorney decides to prosecute the crime described in the
 41 information certified to the prosecuting attorney, or any other related
 42 crimes, the inspector general shall cooperate with the prosecuting



1 attorney in the investigation and prosecution of the case. Upon request
 2 of the prosecuting attorney, the inspector general may participate on
 3 behalf of the state in any resulting criminal trial.

4 (b) If:

5 (1) the prosecuting attorney to whom the inspector general issues
 6 a certification under subsection (a):

7 (A) is disqualified from investigating or bringing a criminal
 8 prosecution in the matter addressed in the certification;

9 (B) does not file an information ~~or seek an indictment~~ not later
 10 than one hundred eighty (180) days after the date on which the
 11 inspector general certified the information to the prosecuting
 12 attorney; or

13 (C) refers the case back to the inspector general; and

14 (2) the inspector general finds that there may be probable cause
 15 to believe that a person identified in a certification under
 16 subsection (a)(1) has violated a criminal statute identified in a
 17 certification under subsection (a)(2);

18 the inspector general may request that the governor recommend the
 19 inspector general be appointed as a special prosecuting attorney under
 20 subsection (h) so that the inspector general may prosecute the matter
 21 addressed in the certification.

22 (c) The governor may recommend the inspector general be
 23 appointed as a special prosecuting attorney if:

24 (1) one (1) of the conditions set forth in subsection (b)(1) relating
 25 to the prosecuting attorney is met; and

26 (2) the governor finds that the appointment of the inspector
 27 general as a special prosecuting attorney is in the best interests of
 28 justice.

29 (d) If the governor has recommended the appointment of the
 30 inspector general as a special prosecuting attorney, the inspector
 31 general shall file a notice with the chief judge of the court of appeals,
 32 stating:

33 (1) that the governor has recommended that the inspector general
 34 be appointed as a special prosecutor;

35 (2) the name of the county in which the crime that the inspector
 36 general intends to prosecute is alleged to have been committed;
 37 and

38 (3) that the inspector general requests the chief judge to assign a
 39 court of appeals judge to determine whether the inspector general
 40 should be appointed as a special prosecuting attorney.

41 Upon receipt of the notice, the chief judge of the court of appeals shall
 42 randomly select a judge of the court of appeals to determine whether



1 the inspector general should be appointed as a special prosecuting
2 attorney. The chief judge shall exclude from the random selection a
3 judge who resided in the county in which the crime is alleged to have
4 been committed at the time the judge was appointed to the court of
5 appeals.

6 (e) The inspector general shall file a verified petition for
7 appointment as a special prosecuting attorney with the court of appeals
8 judge assigned under subsection (d). In the verified petition, the
9 inspector general shall set forth why the inspector general should be
10 appointed as a special prosecutor. The inspector general may support
11 the verified petition by including relevant documents, transcripts, or
12 written statements in support of the inspector general's position. The
13 inspector general shall serve a copy of the verified petition, along with
14 any supporting evidence, on the prosecuting attorney to whom the case
15 was originally certified under subsection (a).

16 (f) The prosecuting attorney shall file a verified petition in support
17 of or opposition to the inspector general's verified petition for
18 appointment as a special prosecuting attorney not later than fifteen (15)
19 days after receipt of the inspector general's verified petition for
20 appointment as a special prosecuting attorney.

21 (g) Upon a showing of particularized need, the court of appeals
22 judge may order the verified petitions filed by the inspector general and
23 the prosecuting attorney to be confidential.

24 (h) After considering the verified petitions, the court of appeals
25 judge may appoint the inspector general or a prosecuting attorney,
26 other than the prosecuting attorney to whom the case was certified
27 under this section, as a special prosecuting attorney if the judge finds
28 that:

- 29 (1) one (1) of the conditions set forth in subsection (b)(1) is met;
30 and
31 (2) appointment of a special prosecuting attorney is in the best
32 interests of justice.

33 In making ~~its~~ **the** determination under this subsection, the court of
34 appeals judge shall consider only the arguments and evidence
35 contained in the verified petitions.

36 (i) ~~Except as provided in subsection (k);~~ A special prosecuting
37 attorney appointed under this section has the same powers as the
38 prosecuting attorney of the county. However, the court of appeals judge
39 shall:

- 40 (1) limit the scope of the special prosecuting attorney's duties as
41 a special prosecuting attorney to include only the investigation or
42 prosecution of a particular case, ~~or particular grand jury~~



1 ~~investigation~~, including any matter that reasonably results from
 2 the investigation ~~or prosecution; or grand jury investigation~~; and
 3 (2) establish for a time certain the length of the special
 4 prosecuting attorney's term.

5 If the special prosecuting attorney's investigation or prosecution
 6 acquires a broader scope or requires additional time to complete, the
 7 court of appeals judge may at any time increase the scope of the special
 8 prosecuting attorney's duties or establish a longer term for the special
 9 prosecuting attorney.

10 (j) An inspector general or prosecuting attorney appointed to serve
 11 as a special prosecuting attorney may appoint one (1) or more deputies
 12 who are licensed to practice law in Indiana to serve as a special deputy
 13 prosecuting attorney. A special deputy prosecuting attorney is subject
 14 to the same statutory restrictions and other restrictions imposed on the
 15 special prosecuting attorney by the court of appeals, but otherwise has
 16 the same powers as a deputy prosecuting attorney.

17 ~~(k) An inspector general or prosecuting attorney appointed to serve~~
 18 ~~as a special prosecuting attorney under this section may bring a~~
 19 ~~criminal charge only after obtaining an indictment from a grand jury.~~
 20 ~~An inspector general or prosecuting attorney appointed under this~~
 21 ~~section to serve as a special prosecuting attorney may not bring a~~
 22 ~~criminal charge by filing an information.~~

23 ~~(k)~~ (k) The inspector general or a deputy inspector general who is
 24 licensed to practice law in Indiana may serve as a special deputy
 25 prosecuting attorney under IC 33-39-2-6.

26 ~~(m)~~ (l) If the court of appeals appoints a prosecuting attorney to
 27 serve as a special prosecuting attorney under this section, the inspector
 28 general shall reimburse the prosecuting attorney for the reasonable
 29 expenses of investigating and prosecuting the case.

30 SECTION 10. IC 4-6-3-5 IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2014]: Sec. 5. An investigative demand may
 32 not:

33 (1) contain a requirement that would be unreasonable if contained
 34 in a subpoena or subpoena duces tecum issued by a court; ~~in a~~
 35 ~~grand jury investigation~~; or

36 (2) require the giving of oral testimony, the production of written
 37 answers to interrogatories, or the production of documentary
 38 material that would be privileged from disclosure if demanded by
 39 a subpoena duces tecum issued by a court. ~~in aid of a grand jury~~
 40 ~~investigation.~~

41 SECTION 11. IC 4-6-3-11 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. When original



1 documentary material made available pursuant to an investigative
 2 demand is no longer required for use in a pending proceeding, or,
 3 absent any pending proceeding, is no longer required in connection
 4 with the investigation for which it was demanded, or at the end of the
 5 twenty-four (24) months following the date when the material was
 6 made available, whichever is sooner, it shall be returned, unless a
 7 request to extend the period beyond twenty-four (24) months has been
 8 filed in a court in which a request for an order compelling compliance
 9 pursuant to section 6 of this chapter be filed. This section does not
 10 require the return of documentary material that has passed into the
 11 control of a court or ~~grand jury.~~ **prosecuting attorney.**

12 SECTION 12. IC 4-15-11-3 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) An officer or
 14 employee of the state who is charged with a crime or infraction relating
 15 to that individual's acts as an officer or employee may apply to the
 16 budget agency for reimbursement of reasonable expenses incurred in
 17 the officer's or employee's defense against those charges if all charges
 18 have been dismissed or if the officer or employee has been found not
 19 guilty of the charges.

20 ~~(b) An officer or employee of the state who is the target of a grand~~
 21 ~~jury investigation relating to that individual's acts in carrying out the~~
 22 ~~individual's responsibilities as an officer or employee of the state may~~
 23 ~~apply to the the budget agency for reimbursement of reasonable~~
 24 ~~expenses incurred by the officer or employee resulting from the grand~~
 25 ~~jury investigation if the grand jury fails to indict the officer or~~
 26 ~~employee.~~

27 ~~(c)~~ **(b)** The budget agency may approve reimbursement of
 28 reasonable expenses under this section if:

29 (1) the officer or employee who was charged with a crime or
 30 infraction ~~or who was the target of a grand jury investigation~~
 31 retained counsel; and

32 (2) the expenses for which reimbursement is sought are
 33 reasonable.

34 ~~(d)~~ **(c)** Reimbursement payments approved under this section shall
 35 be paid from the state general fund.

36 SECTION 13. IC 4-33-3-10 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A person may not
 38 be appointed to the commission if:

39 (1) the person is not of good moral character; or

40 (2) the person:

41 (A) has been convicted of; or

42 (B) is under indictment for **or charged by information with;**



1 a felony under Indiana law, the laws of any other state, or laws of
2 the United States.

3 SECTION 14. IC 4-33-5-1, AS AMENDED BY P.L.229-2013,
4 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2014]: Sec. 1. An applicant for a license or an operating agent
6 contract under this article must provide the following information to
7 the commission:

8 (1) The name, business address, and business telephone number
9 of the applicant.

10 (2) An identification of the applicant.

11 (3) The following information for an applicant that is not an
12 individual:

13 (A) The state of incorporation or registration.

14 (B) The names of all corporate officers.

15 (C) The identity of the following:

16 (i) Any person in which the applicant has an equity interest
17 of at least one percent (1%) of all shares. The identification
18 must include the state of incorporation or registration if
19 applicable. However, an applicant that has a pending
20 registration statement filed with the Securities and Exchange
21 Commission is not required to provide information under
22 this item.

23 (ii) The shareholders or participants of the applicant. An
24 applicant that has a pending registration statement filed with
25 the Securities and Exchange Commission is required to
26 provide only the names of persons holding an interest of
27 more than one percent (1%) of all shares.

28 (4) An identification of any business, including the state of
29 incorporation or registration if applicable, in which an applicant
30 or the spouse or children of an applicant has an equity interest of
31 more than one percent (1%) of all shares.

32 (5) If the applicant has been **charged by information, been**
33 **indicted, been convicted, pleaded guilty or nolo contendere, or**
34 **forfeited bail concerning a criminal offense other than a traffic**
35 **violation under the laws of any jurisdiction. The applicant must**
36 **include the following information under this subdivision:**

37 (A) The name and location of the following:

38 (i) The court.

39 (ii) The arresting agency.

40 (iii) The prosecuting agency.

41 (B) The case number.

42 (C) The date and type of offense.



- 1 (D) The disposition of the case.
 2 (E) The location and length of incarceration.
 3 (6) If the applicant has had a license or certificate issued by a
 4 licensing authority in Indiana or any other jurisdiction denied,
 5 restricted, suspended, revoked, or not renewed. An applicant must
 6 provide the following information under this subdivision:
 7 (A) A statement describing the facts and circumstances
 8 concerning the denial, restriction, suspension, revocation, or
 9 nonrenewal.
 10 (B) The date each action described in clause (A) was taken.
 11 (C) The reason each action described in clause (A) was taken.
 12 (7) If the applicant has:
 13 (A) filed or had filed against the applicant a proceeding in
 14 bankruptcy; or
 15 (B) been involved in a formal process to adjust, defer,
 16 suspend, or work out the payment of a debt;
 17 including the date of filing, the name and location of the court,
 18 and the case and number of the disposition.
 19 (8) If the applicant has filed or been served with a complaint or
 20 notice filed with a public body concerning:
 21 (A) a delinquency in the payment of; or
 22 (B) a dispute over a filing concerning the payment of;
 23 a tax required under federal, state, or local law, including the
 24 amount, type of tax, the taxing agency, and times involved.
 25 (9) A statement listing the names and titles of public officials or
 26 officers of units of government and relatives of the public officials
 27 or officers who directly or indirectly:
 28 (A) have a financial interest in;
 29 (B) have a beneficial interest in;
 30 (C) are the creditors of;
 31 (D) hold a debt instrument issued by; or
 32 (E) have an interest in a contractual or service relationship
 33 with;
 34 an applicant.
 35 (10) If an applicant for an operating agent contract or an owner's
 36 or a supplier's license has directly or indirectly made a political
 37 contribution, loan, donation, or other payment to a candidate or an
 38 office holder in Indiana not more than five (5) years before the
 39 date the applicant filed the application. An applicant must provide
 40 information concerning the amount and method of a payment
 41 described in this subdivision.
 42 (11) The name and business telephone number of the attorney



1 who will represent the applicant in matters before the
2 commission.

3 (12) A description of a proposed or an approved riverboat gaming
4 operation, including the following information:

- 5 (A) The type of riverboat.
- 6 (B) The site or home dock location of the riverboat.
- 7 (C) The expected economic benefit to local communities.
- 8 (D) The anticipated or actual number of employees.
- 9 (E) Any statements from the applicant concerning compliance
10 with federal and state affirmative action guidelines.
- 11 (F) Anticipated or actual admissions.
- 12 (G) Anticipated or actual adjusted gross gaming receipts.

13 (13) A description of the product or service to be supplied by the
14 applicant if the applicant has applied for a supplier's license.

15 (14) The following information from each licensee or operating
16 agent involved in the ownership or management of gambling
17 operations:

- 18 (A) An annual balance sheet.
- 19 (B) An annual income statement.
- 20 (C) A list of the stockholders or other persons having at least
21 a one percent (1%) beneficial interest in the gambling
22 activities of the person who has been issued the owner's
23 license or operating agent contract.
- 24 (D) Any other information the commission considers
25 necessary for the effective administration of this article.

26 SECTION 15. IC 5-2-6.1-17, AS AMENDED BY P.L.48-2012,
27 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2014]: Sec. 17. (a) Except for an alleged victim of a child sex
29 crime, the division may not award compensation under this chapter
30 unless the violent crime was reported to a law enforcement officer not
31 more than seventy-two (72) hours after the occurrence of the crime.

32 (b) The division may not award compensation under this chapter
33 until:

- 34 (1) law enforcement and other records concerning the
35 circumstances of the crime are available; and
- 36 (2) any criminal investigation directly related to the crime has
37 been substantially completed.

38 (c) If the crime involved a motor vehicle, the division may not
39 award compensation under this chapter until an information ~~or~~
40 indictment alleging the commission of a crime has been filed by a
41 prosecuting attorney.

42 SECTION 16. IC 5-2-7-1 IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) For each person arrested and
 2 charged by information ~~or indictment~~ with a reportable offense (as
 3 defined in IC 10-13-3-18), there shall be filed with the court having
 4 jurisdiction over the case:

- 5 (1) a fingerprint sample taken from the arrested person; and
 6 (2) an affidavit, attached to or as an integral part of the fingerprint
 7 sample, from an employee of the law enforcement agency
 8 effecting the arrest that identifies the sample as taken from the
 9 arrested person.

10 (b) The failure to file a fingerprint sample or an affidavit under
 11 subsection (a) is not a ground for the dismissal of a criminal action or
 12 the continuance of a criminal action.

13 SECTION 17. IC 5-8-1-17 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. If the offense for
 15 which the defendant is convicted on impeachment is also the subject
 16 of an ~~indictment or~~ information, the ~~indictment or~~ information is not
 17 barred hereby.

18 SECTION 18. IC 5-8-1-21 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. An accusation in
 20 writing against any district officer, county officer, township officer,
 21 municipal officer, or prosecuting attorney may be presented by the
 22 **grand jury prosecuting attorney** of the county in which the officer
 23 accused is elected or appointed. **An accusation against a prosecuting**
 24 **attorney shall be presented to a circuit or superior court in the**
 25 **county, which may appoint a special prosecuting attorney.**

26 SECTION 19. IC 5-8-1-23 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. The ~~accusation~~
 28 ~~must be delivered by the foreman of the grand jury to the prosecuting~~
 29 ~~attorney of the county (or a special prosecuting attorney, if one has~~
 30 ~~been appointed) except when he is the officer accused; who must~~
 31 ~~cause a copy thereof to be served shall serve a copy of the accusation~~
 32 ~~to upon~~ the defendant, and require, by notice in writing of not less than
 33 ten (10) days, that ~~he the defendant~~ appear before the circuit court of
 34 the county at the time mentioned in the notice, and answer the
 35 accusation. The original accusation must then be filed with the clerk of
 36 the court, or if ~~he be the clerk is~~ the party accused, with the judge of
 37 the court.

38 SECTION 20. IC 5-8-1-30 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 30. The trial must be
 40 by a jury, and conducted in all respects in the same manner as the trial
 41 of an ~~indictment for a person charged with~~ a misdemeanor.

42 SECTION 21. IC 5-8-1-31 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31. The prosecuting
 2 attorney and the defendant are respectively entitled to such process as
 3 may be necessary to enforce the attendance of witnesses, as upon a
 4 **criminal trial. of an indictment.**

5 SECTION 22. IC 5-8-1-34 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. The same
 7 proceedings ~~maybe~~ **may be** had on like grounds for the removal of a
 8 prosecuting attorney, except that the accusation must be delivered ~~by~~
 9 ~~the foreman of the grand jury to the clerk, and by him~~ to the judge of
 10 the circuit court of the county, ~~or criminal court, if such court exists in~~
 11 ~~the county;~~ who must thereupon ~~notify the attorney-general to act as~~
 12 ~~prosecuting officer~~ **appoint a special prosecuting attorney** in the
 13 matter. ~~and shall designate some resident attorney to act as assistant to~~
 14 ~~the attorney-general in such prosecution;~~ whose compensation shall be
 15 ~~fixed by the court and paid out of the county treasury.~~

16 SECTION 23. IC 5-11-5-1, AS AMENDED BY P.L.136-2012,
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2014]: Sec. 1. (a) Whenever an examination is made under
 19 this article, a report of the examination shall be made. The report must
 20 include a list of findings and shall be signed and verified by the
 21 examiner making the examination. A finding that is critical of an
 22 examined entity must be based upon one (1) of the following:

- 23 (1) Failure of the entity to observe a uniform compliance
 24 guideline established under IC 5-11-1-24(a).
- 25 (2) Failure of the entity to comply with a specific law.

26 A report that includes a finding that is critical of an examined entity
 27 must designate the uniform compliance guideline or the specific law
 28 upon which the finding is based. ~~The reports~~ **report** shall immediately
 29 be filed with the state examiner, and, after inspection of the report, the
 30 state examiner shall immediately file one (1) copy with the officer or
 31 person examined, one (1) copy with the auditing department of the
 32 municipality examined and reported upon, and one (1) copy in an
 33 electronic format under IC 5-14-6 of the reports of examination of state
 34 agencies, instrumentalities of the state, and federal funds administered
 35 by the state with the legislative services agency, as staff to the general
 36 assembly. Upon filing, the report becomes a part of the public records
 37 of the office of the state examiner, of the office or the person examined,
 38 of the auditing department of the municipality examined and reported
 39 upon, and of the legislative services agency, as staff to the general
 40 assembly. A report is open to public inspection at all reasonable times
 41 after it is filed. If an examination discloses malfeasance, misfeasance,
 42 or nonfeasance in office or of any officer or employee, a copy of the



1 report, signed and verified, shall be placed by the state examiner with
 2 the attorney general and the inspector general. The attorney general
 3 shall diligently institute and prosecute civil proceedings against the
 4 delinquent officer, or upon the officer's official bond, or both, and
 5 against any other proper person that will secure to the state or to the
 6 proper municipality the recovery of any funds misappropriated,
 7 diverted, or unaccounted for.

8 (b) Before an examination report is signed, verified, and filed as
 9 required by subsection (a), the officer or the chief executive officer of
 10 the state office, municipality, or entity examined must have an
 11 opportunity to review the report and to file with the state examiner a
 12 written response to that report. If a written response is filed, **it the**
 13 **response** becomes a part of the examination report that is signed,
 14 verified, and filed as required by subsection (a).

15 (c) Except as required by subsections (b) and (d), it is unlawful for
 16 any deputy examiner, field examiner, or private examiner, before an
 17 examination report is made public as provided by this section, to make
 18 any disclosure of the result of any examination of any public account,
 19 except to the state examiner or if directed to give publicity to the
 20 examination report by the state examiner or by any court. If an
 21 examination report shows or discloses the commission of a crime by
 22 any person, it is the duty of the state examiner to transmit and present
 23 the examination report to the ~~grand jury of the county in which the~~
 24 ~~crime was committed at its first session after the making of the~~
 25 ~~examination report and at any subsequent sessions that may be~~
 26 ~~required. The state examiner shall furnish to the grand jury all evidence~~
 27 ~~at the state examiner's command necessary in the investigation and~~
 28 ~~prosecution of the crime. prosecuting attorney of the county in~~
 29 ~~which the crime was committed. The state examiner shall assist the~~
 30 **prosecuting attorney in the investigation and prosecution of the**
 31 **crime.**

32 (d) If, during an examination under this article, a deputy examiner,
 33 field examiner, or private examiner acting as an agent of the state
 34 examiner determines that the following conditions are satisfied, the
 35 examiner shall report the determination to the state examiner:

36 (1) A substantial amount of public funds has been
 37 misappropriated or diverted.

38 (2) The deputy examiner, field examiner, or private examiner
 39 acting as an agent of the state examiner has a reasonable belief
 40 that the malfeasance or misfeasance that resulted in the
 41 misappropriation or diversion of the public funds was committed
 42 by the officer or an employee of the office.



1 (e) After receiving a preliminary report under subsection (d), the
 2 state examiner may provide a copy of the report to the attorney general.
 3 The attorney general may institute and prosecute civil proceedings
 4 against the delinquent officer or employee, or upon the officer's or
 5 employee's official bond, or both, and against any other proper person
 6 that will secure to the state or to the proper municipality the recovery
 7 of any funds misappropriated, diverted, or unaccounted for.

8 (f) In an action under subsection (e), the attorney general may attach
 9 the defendant's property under IC 34-25-2.

10 (g) A preliminary report under subsection (d) is confidential until
 11 the final report under subsection (a) is issued, unless the attorney
 12 general institutes an action under subsection (e) on the basis of the
 13 preliminary report.

14 SECTION 24. IC 5-11-5.5-12, AS ADDED BY P.L.222-2005,
 15 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2014]: Sec. 12. (a) A civil investigative demand issued under
 17 this chapter may not require the production of any documentary
 18 material, the submission of any answers to written interrogatories, or
 19 the giving of any oral testimony if the material, answers, or testimony
 20 would be protected from disclosure under the standards applicable:

21 (1) to a subpoena or subpoena duces tecum issued by a court; ~~to~~
 22 ~~aid in a grand jury investigation;~~ or

23 (2) to a discovery request under the rules of trial procedure;
 24 to the extent that the application of these standards to a civil
 25 investigative demand is consistent with the purposes of this chapter.

26 (b) A civil investigative demand that is a specific demand for a
 27 product of discovery supersedes any contrary order, rule, or statutory
 28 provision, other than this section, that prevents or restricts disclosure
 29 of the product of discovery. Disclosure of a product of discovery under
 30 a specific demand does not constitute a waiver of a right or privilege
 31 that the person making the disclosure may be otherwise entitled to
 32 invoke to object to discovery of trial preparation materials.

33 SECTION 25. IC 5-11-5.5-15, AS AMENDED BY P.L.1-2006,
 34 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2014]: Sec. 15. (a) The official who issued the civil
 36 investigative demand is the custodian of the documentary material,
 37 answers to interrogatories, and transcripts of oral testimony received
 38 under this chapter.

39 (b) An investigator who receives documentary material, answers to
 40 interrogatories, or transcripts of oral testimony under this section shall
 41 transmit ~~them the material, answers, or transcripts~~ to the official
 42 who issued the civil investigative demand. The official shall take



1 physical possession of the material, answers, or transcripts and is
 2 responsible for the use made of ~~them~~ **the material, answers, or**
 3 **transcripts** and for the return of documentary material.

4 (c) The official who issued the civil investigative demand may make
 5 copies of documentary material, answers to interrogatories, or
 6 transcripts of oral testimony as required for official use by the attorney
 7 general, the inspector general, or the state police. The material,
 8 answers, or transcripts may be used in connection with the taking of
 9 oral testimony under this chapter.

10 (d) Except as provided in subsection (e), documentary material,
 11 answers to interrogatories, or transcripts of oral testimony, while in the
 12 possession of the official who issued the civil investigative demand,
 13 may not be made available for examination to any person other than:

- 14 (1) the attorney general or designated personnel of the attorney
 15 general's office;
- 16 (2) the inspector general or designated personnel of the inspector
 17 general's office; or
- 18 (3) an officer of the state police who has been authorized by the
 19 official who issued the civil investigative demand.

20 (e) The restricted availability of documentary material, answers to
 21 interrogatories, or transcripts of oral testimony does not apply:

- 22 (1) if the person who provided:
 - 23 (A) the documentary material, answers to interrogatories, or
 24 oral testimony; or
 - 25 (B) a product of discovery that includes documentary material,
 26 answers to interrogatories, or oral testimony;
 27 consents to disclosure;
 - 28 (2) to the general assembly or a committee or subcommittee of the
 29 general assembly; or
 - 30 (3) to a state agency that requires the information to carry out its
 31 statutory responsibility.

32 Documentary material, answers to interrogatories, or transcripts of oral
 33 testimony requested by a state agency may be disclosed only under a
 34 court order finding that the state agency has a substantial need for the
 35 use of the information in carrying out its statutory responsibility.

36 (f) While in the possession of the official who issued the civil
 37 investigative demand, documentary material, answers to
 38 interrogatories, or transcripts of oral testimony shall be made available
 39 to the person, or to the representative of the person who produced the
 40 material, answered the interrogatories, or gave oral testimony. The
 41 official who issued the civil investigative demand may impose
 42 reasonable conditions upon the examination or use of the documentary



1 material, answers to interrogatories, or transcripts of oral testimony.

2 (g) The official who issued the civil investigative demand and any
 3 attorney employed in the same office as the official who issued the civil
 4 investigative demand may use the documentary material, answers to
 5 interrogatories, or transcripts of oral testimony in connection with a
 6 proceeding before a ~~grand jury~~, a court or an agency. Upon the
 7 completion of the proceeding, the attorney shall return to the official
 8 who issued the civil investigative demand any documentary material,
 9 answers to interrogatories, or transcripts of oral testimony that are not
 10 under the control of the ~~grand jury~~, court or agency.

11 (h) Upon written request of a person who produced documentary
 12 material in response to a civil investigative demand, the official who
 13 issued the civil investigative demand shall return any documentary
 14 material in the official's possession to the person who produced
 15 documentary material, if:

16 (1) a proceeding before a ~~grand jury~~, a court or an agency
 17 involving the documentary material has been completed; or

18 (2) a proceeding before a ~~grand jury~~, a court or an agency
 19 involving the documentary material has not been commenced
 20 within a reasonable time after the completion of the investigation.

21 The official who issued the civil investigative demand is not required
 22 to return documentary material that is in the custody of a ~~grand jury~~, a
 23 court or an agency.

24 SECTION 26. IC 5-11-6-4 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) If a report is filed
 26 with the attorney general that discloses any offense, the state examiner
 27 shall present a certified copy of the report and competent testimony
 28 supporting the charges made in the report to the ~~grand jury~~
 29 **prosecuting attorney** of the county in which the offense is alleged to
 30 have been committed. ~~at its first convenient session~~. The attorney
 31 general shall ~~direct, supervise, and~~ assist in the prosecution of the
 32 offense ~~before the grand jury and~~ in the courts.

33 (b) The per diem and actual expenses of all field or private
 34 examiners required by the state examiner, the attorney general, or any
 35 prosecuting attorney to attend ~~sessions of grand juries or~~ trials in
 36 connection with the prosecution shall be paid by the state upon
 37 vouchers approved by the state examiner from funds available for
 38 office and traveling expenses for the state board of accounts.

39 SECTION 27. IC 6-3-2-17 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A reward received
 41 by an individual is exempt from taxation under IC 6-3-1 through
 42 IC 6-3-7, in an amount not to exceed one thousand dollars (\$1,000), if:



1 (1) the reward is for information provided to a law enforcement
 2 official or agency, or to a not-for-profit corporation whose
 3 exclusive purpose is to assist law enforcement officials or
 4 agencies;

5 (2) the information that is provided assists in the arrest
 6 ~~indictment, of~~ or the filing of charges against a person; and

7 (3) the individual is not:

8 (A) compensated for investigating crimes or accidents
 9 (including an employee of, or an individual under contract
 10 with, a law enforcement agency);

11 (B) the person convicted of the crime; or

12 (C) the victim of the crime.

13 SECTION 28. IC 6-8.1-3-13 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) The attorney
 15 general and the respective county prosecuting attorneys have
 16 concurrent jurisdiction in conducting criminal prosecutions of tax
 17 matters. Either the attorney general or the respective prosecuting
 18 attorney may initiate criminal tax proceedings, and appear ~~before grand~~
 19 ~~juries~~ to report violations, give legal advice, or interrogate witnesses.

20 (b) Upon request by the department, the attorney general shall
 21 prosecute a civil action to collect unpaid taxes, penalties, and interest
 22 and to enforce the department's powers.

23 SECTION 29. IC 7.1-2-2-5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. ~~Prosecutor: Powers~~
 25 ~~and Duties~~: The prosecutor shall have the following powers and duties:

26 ~~(a)~~ (1) To prosecute before the commission all violations of laws
 27 pertaining to alcohol, alcoholic beverages, and tobacco, including
 28 violations pertaining to tobacco vending machines.

29 ~~(b)~~ (2) To prosecute before the commission all violations of the
 30 rules and regulations of the commission.

31 ~~(c)~~ (3) To assist the prosecuting attorneys of the various judicial
 32 circuits in the investigation and prosecution of violations of laws
 33 pertaining to alcohol, alcoholic beverages, and tobacco, including
 34 violations pertaining to tobacco vending machines, and to
 35 represent the state in these matters.

36 ~~(d)~~ (4) To ~~appear before grand juries to~~ assist in ~~their~~
 37 investigations into matters pertaining to alcohol, alcoholic
 38 beverages, and tobacco, including matters pertaining to tobacco
 39 vending machines.

40 ~~(e)~~ (5) To establish a seal of ~~his~~ the prosecutor's office.

41 ~~(f)~~ (6) To administer oaths and to do all other acts authorized by
 42 law for notaries public. ~~and~~;



1 ~~(g)~~ (7) To employ, with the consent of the commission and at
 2 salaries fixed by the commission in ~~their~~ **the commission's**
 3 budget, the clerical staff required by ~~him~~ **the prosecutor** to
 4 effectively discharge ~~his~~ **the prosecutor's** duties.

5 SECTION 30. IC 7.1-2-3-10, AS AMENDED BY P.L.94-2008,
 6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2014]: Sec. 10. (a) The commission shall have the power to
 8 investigate the violation of a provision of this title and of the rules and
 9 regulations of the commission and to report its findings to the
 10 prosecuting attorney ~~or the grand jury~~ of the county in which the
 11 violation occurred, or to the attorney general.

12 (b) The commission shall enter a memorandum of understanding
 13 with the Indiana gaming commission authorizing the commission's
 14 unlawful gaming enforcement division to conduct revocation actions
 15 resulting from suspected violations of IC 35-45-5-3, IC 35-45-5-3.5, or
 16 IC 35-45-5-4 as authorized by the following statutes:

17 (1) IC 7.1-3-18.5.

18 (2) IC 7.1-3-23-2(b).

19 (3) IC 7.1-3-23-5.

20 (c) A memorandum of understanding entered into under this section
 21 must comply with the requirements of IC 4-33-19-8.

22 ~~(d) The memorandum of understanding required by this section~~
 23 ~~must be entered into before January 1, 2008.~~

24 SECTION 31. IC 9-22-3-35 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. The prosecution of
 26 a disposal facility, automotive salvage rebuilder, insurance company,
 27 or individual suspected of having violated this section may be instituted
 28 by the filing of an information ~~or indictment~~ in the same manner as
 29 other criminal cases are commenced.

30 SECTION 32. IC 10-13-3-25 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) If a person
 32 whose arrest has been reported as required by section 24 of this chapter
 33 is:

34 (1) transferred to the custody of another criminal justice agency;

35 or

36 (2) released without having an ~~indictment~~ ~~or~~ information filed
 37 with any court;

38 a disposition report shall be furnished to the department by the agency
 39 from whose custody the person has been transferred or released.
 40 Disposition reports shall be made on forms provided by the department.

41 (b) If an ~~indictment~~ ~~or~~ information is filed in a court, the clerk of the
 42 court shall furnish to the department, on forms provided by the



1 department, a report of the disposition of the case.

2 (c) A disposition report, whether by a criminal justice agency or a
3 court clerk, shall be sent to the department within thirty (30) days after
4 the disposition.

5 SECTION 33. IC 10-16-9-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as
7 otherwise provided, if the Indiana national guard is in active service on
8 behalf of the state:

9 (1) in case of:

10 (A) public disaster;

11 (B) riot;

12 (C) tumult;

13 (D) breach of the peace; or

14 (E) resistance of process;

15 (2) whenever called upon in aid of civil authorities;

16 (3) under martial law;

17 (4) at encampments or any scheduled training periods or drills for
18 which a member is entitled to pay, within or outside Indiana; or

19 (5) upon any other duty requiring the entire time of the Indiana
20 national guard, or any part of the Indiana national guard;

21 the uniform code of military justice governing the armed forces of the
22 United States with any subsequent change approved by the adjutant
23 general as applicable to Indiana military law is in force and regarded
24 as a part of this article for the Indiana national guard until the Indiana
25 national guard is relieved from duty.

26 (b) Confinement in a penitentiary under this article must be in a
27 penitentiary in Indiana. An offense committed by the member of the
28 national guard while in active service may be tried and punished by a
29 court-martial lawfully appointed.

30 (c) Except as provided in subsections (d) and (e), if the accused
31 member of the Indiana national guard is found guilty, the convicted
32 member shall be punished according to the uniform code of military
33 justice and the rules and regulations governing the United States armed
34 forces but within the limits prescribed by federal law for court-martial
35 in the national guard.

36 (d) If the offense charged is also an offense by the civil law of
37 Indiana, the officer whose duty it is to approve the charge may order
38 the person charged to be turned over to the civil authorities for trial.

39 (e) Punishment under the rules and articles of the uniform code of
40 military justice that extend to the taking of life may not be inflicted,
41 except in time of actual war, invasion, or insurrection, declared by
42 proclamation of the governor to exist, or to be threatened or



1 anticipated.

2 (f) If a:

3 (1) person resisting the laws of the state or unlawfully or riotously
4 assembled for that purpose; or

5 (2) bystander or other person in the vicinity;

6 is killed or injured by state forces called into active service under this
7 article and acting in obedience to the orders of ~~its~~ a commanding
8 officer, the officer or member of the Indiana national guard is not
9 subject to ~~indictment~~, **criminal charges**, trial, or any civil process
10 other than by a court-martial, to be convened for that purpose by the
11 governor.

12 (g) The finding of the court-martial, when submitted to and
13 approved by the governor, in accordance with the uniform code of
14 military justice, is final and conclusive on all persons.

15 (h) If an ~~indictment is found~~ or information is filed against the
16 person, a writ or other process may not be issued by the clerk of the
17 court where the ~~indictment was returned~~ or information **was** filed
18 against the defendant. The clerk shall immediately transmit to the
19 governor a certified copy, and, upon the receipt of the certified copy,
20 the governor shall cause to be convened a court-martial to determine
21 the truth of the charges and the punishment, if any, to be inflicted.

22 SECTION 34. IC 11-12-4-2 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The department
24 shall inspect each county jail at least one (1) time each year to
25 determine whether it is complying with the standards adopted under
26 section 1 of this chapter. If the department determines that a jail is not
27 complying with the standards, the commissioner shall give written
28 notice of this determination to the county sheriff, the board of county
29 commissioners, the prosecuting attorney, the circuit court, and all
30 courts having criminal or juvenile jurisdiction in that county. This
31 notice must specify which standards are not being met and state the
32 commissioner's recommendations regarding compliance.

33 (b) If after six (6) months from the date of the written notice the
34 department determines that the county is not making a good faith effort
35 toward compliance with the standards specified in the notice, the
36 commissioner may:

37 (1) petition the circuit court for an injunction prohibiting the
38 confinement of persons in all or any part of the jail, or otherwise
39 restricting the use of the jail; or

40 (2) recommend, in writing, to the prosecuting attorney and each
41 court with criminal or juvenile jurisdiction that a ~~grand jury be~~
42 **convened to the prosecuting attorney** tour and examine the



1 county jail. ~~under IC 35-34-2-11.~~

2 (c) Upon receipt of notice by the commissioner that the jail does not
3 comply with standards adopted under section 1 of this chapter, the
4 sheriff may bring an action in the circuit court against the board of
5 county commissioners or county council for appropriate mandatory or
6 injunctive relief.

7 SECTION 35. IC 12-10-3-11 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person, other
9 than a person against whom a complaint concerning an endangered
10 adult has been made, who in good faith:

- 11 (1) makes or causes to be made a report required to be made
12 under this chapter;
13 (2) testifies or participates in any investigation or administrative
14 or judicial proceeding on matters arising from the report;
15 (3) makes or causes to be made photographs or x-rays of an
16 endangered adult; or
17 (4) discusses a report required to be made under this chapter with
18 the division, the adult protective services unit, a law enforcement
19 agency, or other appropriate agency;

20 is immune from both civil and criminal liability arising from those
21 actions.

22 (b) An individual may not be excused from testifying before a court
23 or grand jury concerning a report made under this chapter on the basis
24 that the testimony is privileged information, unless the individual is an
25 attorney, a physician, a clergyman, a husband, or a wife who is not
26 required to testify under IC 34-46-3-1.

27 (c) An employer may not discharge, demote, transfer, prepare a
28 negative work performance evaluation, or reduce benefits, pay, or work
29 privileges, or take any other action to retaliate against an employee who
30 in good faith files a report under this chapter.

31 SECTION 36. IC 16-41-8-5, AS AMENDED BY P.L.158-2013,
32 SECTION 242, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) This section does not apply
34 to medical testing of an individual for whom an indictment or
35 information is filed for a sex crime and for whom a request to have the
36 individual tested under section 6 of this chapter is filed.

37 (b) The following definitions apply throughout this section:

- 38 (1) "Bodily fluid" means blood, human waste, or any other bodily
39 fluid.
40 (2) "Dangerous disease" means any of the following:
41 (A) Chancroid.
42 (B) Chlamydia.



- 1 (C) Gonorrhea.
2 (D) Hepatitis.
3 (E) Human immunodeficiency virus (HIV).
4 (F) Lymphogranuloma venereum.
5 (G) Syphilis.
6 (H) Tuberculosis.
- 7 (3) "Offense involving the transmission of a bodily fluid" means
8 any offense (including a delinquent act that would be a crime if
9 committed by an adult) in which a bodily fluid is transmitted from
10 the defendant to the victim in connection with the commission of
11 the offense.
- 12 (c) This subsection applies only to a defendant who has been
13 charged with a potentially disease transmitting offense. At the request
14 of an alleged victim of the offense, the parent, guardian, or custodian
15 of an alleged victim who is less than eighteen (18) years of age, or the
16 parent, guardian, or custodian of an alleged victim who is an
17 endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney
18 shall petition a court to order a defendant charged with the commission
19 of a potentially disease transmitting offense to submit to a screening
20 test to determine whether the defendant is infected with a dangerous
21 disease. In the petition, the prosecuting attorney must set forth
22 information demonstrating that the defendant has committed a
23 potentially disease transmitting offense. The court shall set the matter
24 for hearing not later than forty-eight (48) hours after the prosecuting
25 attorney files a petition under this subsection. The alleged victim, the
26 parent, guardian, or custodian of an alleged victim who is less than
27 eighteen (18) years of age, and the parent, guardian, or custodian of an
28 alleged victim who is an endangered adult (as defined in IC 12-10-3-2)
29 are entitled to receive notice of the hearing and are entitled to attend
30 the hearing. The defendant and the defendant's counsel are entitled to
31 receive notice of the hearing and are entitled to attend the hearing. If,
32 following the hearing, the court finds probable cause to believe that the
33 defendant has committed a potentially disease transmitting offense, the
34 court may order the defendant to submit to a screening test for one (1)
35 or more dangerous diseases. If the defendant is charged with battery
36 (IC 35-42-2-1(b)(2)), the court may limit testing under this subsection
37 to a test only for human immunodeficiency virus (HIV). However, the
38 court may order additional testing for human immunodeficiency virus
39 (HIV) as may be medically appropriate. The court shall take actions to
40 ensure the confidentiality of evidence introduced at the hearing.
- 41 (d) This subsection applies only to a defendant who has been
42 charged with an offense involving the transmission of a bodily fluid. At



1 the request of an alleged victim of the offense, the parent, guardian, or
2 custodian of an alleged victim who is less than eighteen (18) years of
3 age, or the parent, guardian, or custodian of an alleged victim who is
4 an endangered adult (as defined in IC 12-10-3-2), the prosecuting
5 attorney shall petition a court to order a defendant charged with the
6 commission of an offense involving the transmission of a bodily fluid
7 to submit to a screening test to determine whether the defendant is
8 infected with a dangerous disease. In the petition, the prosecuting
9 attorney must set forth information demonstrating that:

10 (1) the defendant has committed an offense; and

11 (2) a bodily fluid was transmitted from the defendant to the victim
12 in connection with the commission of the offense.

13 The court shall set the matter for hearing not later than forty-eight (48)
14 hours after the prosecuting attorney files a petition under this
15 subsection. The alleged victim of the offense, the parent, guardian, or
16 custodian of an alleged victim who is less than eighteen (18) years of
17 age, and the parent, guardian, or custodian of an alleged victim who is
18 an endangered adult (as defined in IC 12-10-3-2) are entitled to receive
19 notice of the hearing and are entitled to attend the hearing. The
20 defendant and the defendant's counsel are entitled to receive notice of
21 the hearing and are entitled to attend the hearing. If, following the
22 hearing, the court finds probable cause to believe that the defendant has
23 committed an offense and that a bodily fluid was transmitted from the
24 defendant to the alleged victim in connection with the commission of
25 the offense, the court may order the defendant to submit to a screening
26 test for one (1) or more dangerous diseases. If the defendant is charged
27 with battery (IC 35-42-2-1(b)(2)), the court may limit testing under this
28 subsection to a test only for human immunodeficiency virus (HIV).
29 However, the court may order additional testing for human
30 immunodeficiency virus (HIV) as may be medically appropriate. The
31 court shall take actions to ensure the confidentiality of evidence
32 introduced at the hearing.

33 (e) The testimonial privileges applying to communication between
34 a husband and wife and between a health care provider and the health
35 care provider's patient are not sufficient grounds for not testifying or
36 providing other information at a hearing conducted in accordance with
37 this section.

38 (f) A health care provider (as defined in IC 16-18-2-163) who
39 discloses information that must be disclosed to comply with this
40 section is immune from civil and criminal liability under Indiana
41 statutes that protect patient privacy and confidentiality.

42 (g) The results of a screening test conducted under this section shall



1 be kept confidential if the defendant ordered to submit to the screening
 2 test under this section has not been convicted of the potentially disease
 3 transmitting offense or offense involving the transmission of a bodily
 4 fluid with which the defendant is charged. The results may not be made
 5 available to any person or public or private agency other than the
 6 following:

- 7 (1) The defendant and the defendant's counsel.
 8 (2) The prosecuting attorney.
 9 (3) The department of correction or the penal facility, juvenile
 10 detention facility, or secure private facility where the defendant
 11 is housed.
 12 (4) The alleged victim or the parent, guardian, or custodian of an
 13 alleged victim who is less than eighteen (18) years of age, or the
 14 parent, guardian, or custodian of an alleged victim who is an
 15 endangered adult (as defined in IC 12-10-3-2), and the alleged
 16 victim's counsel.

17 The results of a screening test conducted under this section may not be
 18 admitted against a defendant in a criminal proceeding or against a child
 19 in a juvenile delinquency proceeding.

20 (h) As soon as practicable after a screening test ordered under this
 21 section has been conducted, the alleged victim or the parent, guardian,
 22 or custodian of an alleged victim who is less than eighteen (18) years
 23 of age, or the parent, guardian, or custodian of an alleged victim who
 24 is an endangered adult (as defined in IC 12-10-3-2), and the victim's
 25 counsel shall be notified of the results of the test.

26 (i) An alleged victim may disclose the results of a screening test to
 27 which a defendant is ordered to submit under this section to an
 28 individual or organization to protect the health and safety of or to seek
 29 compensation for:

- 30 (1) the alleged victim;
 31 (2) the alleged victim's sexual partner; or
 32 (3) the alleged victim's family.

33 (j) The court shall order a petition filed and any order entered under
 34 this section sealed.

35 (k) A person that knowingly or intentionally:

- 36 (1) receives notification or disclosure of the results of a screening
 37 test under this section; and
 38 (2) discloses the results of the screening test in violation of this
 39 section;

40 commits a Class B misdemeanor.

41 SECTION 37. IC 16-41-8-6, AS ADDED BY P.L.94-2010,
 42 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2014]: Sec. 6. (a) If an ~~indictment or~~ information alleges that
 2 the defendant compelled another person to engage in sexual activity by
 3 force or threat of force, the alleged victim of the offense described in
 4 the ~~indictment or~~ information may request that the defendant against
 5 whom the ~~indictment or~~ information is filed be tested for the human
 6 immunodeficiency virus (HIV).

7 (b) Not later than forty-eight (48) hours after an alleged victim
 8 described in subsection (a) requests that the defendant be tested for the
 9 human immunodeficiency virus (HIV), the defendant must be tested for
 10 the human immunodeficiency virus (HIV).

11 (c) As soon as practicable, the results of a test for the human
 12 immunodeficiency virus (HIV) conducted under subsection (b) shall be
 13 sent to:

- 14 (1) the alleged victim;
- 15 (2) the parent or guardian of the alleged victim, if the alleged
 16 victim is less than eighteen (18) years of age; and
- 17 (3) the defendant.

18 (d) If follow-up testing of the defendant for the human
 19 immunodeficiency virus (HIV) is necessary, the results of follow-up
 20 testing of the defendant shall be sent to:

- 21 (1) the alleged victim;
- 22 (2) the parent or guardian of the alleged victim if the alleged
 23 victim is less than eighteen (18) years of age; and
- 24 (3) the defendant.

25 SECTION 38. IC 16-42-19-26 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. In:

- 27 (1) any complaint, information, ~~or affidavit; or indictment;~~ and
- 28 (2) any action or proceeding brought for the enforcement of any
 29 provision of this chapter;

30 it is not necessary to negate an exception, excuse, proviso, or
 31 exemption contained in this chapter. The burden of proof of such an
 32 exception, excuse, proviso, or exemption is upon the defendant.

33 SECTION 39. IC 16-42-20-6 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) It is not necessary
 35 for the state to negate any exemption or exception in this chapter or in
 36 IC 35-48 in a complaint, an information, ~~an indictment,~~ or other
 37 pleading or in a trial, hearing, or other proceeding under this chapter or
 38 under IC 35-48. The burden of proof of an exemption or exception is
 39 on the person claiming the exemption or exception.

40 (b) In the absence of proof that a person is the duly authorized
 41 holder of an appropriate registration or order form issued under
 42 IC 35-48-3, a person is presumed not to be the holder of the registration



1 or form.

2 SECTION 40. IC 23-2-6-42 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 42. If a person claims
4 an exemption in any complaint, information, ~~indictment~~, writ, or
5 proceeding under this chapter:

6 (1) the commissioner is not required to disprove the exemption;
7 and

8 (2) the party claiming the exemption bears the burden of proof
9 concerning the existence of the exemption.

10 SECTION 41. IC 23-2-6-43 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 43. In any complaint,
12 information, ~~indictment~~, writ, or proceeding brought under this chapter
13 that alleges a violation of section 17 of this chapter solely on the failure
14 in an individual case to make physical delivery within the applicable
15 time under section 19(a)(2) of this chapter, it is a defense if both of the
16 following are shown:

17 (1) Failure to make physical delivery was due solely to factors
18 beyond the control of all of the following:

19 (A) The seller.

20 (B) Officers, directors, partners, agents, servants, or employees
21 of the seller.

22 (C) Each person occupying a similar status or performing
23 similar functions as a person described in clause (B).

24 (D) Each person who directly or indirectly controls or is
25 controlled by the seller or by any person described in clause
26 (B) or (C).

27 (E) The seller's affiliates, subsidiaries, and successors.

28 (2) Physical delivery was completed within a reasonable time
29 under the applicable circumstances.

30 SECTION 42. IC 23-19-7-10, AS ADDED BY P.L.85-2012,
31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2014]: Sec. 10. This chapter does not limit or negate any right
33 or obligation of any individual to ~~present evidence to a grand jury or to~~
34 share evidence with potential witnesses or defendants in the course of
35 an ongoing criminal investigation.

36 SECTION 43. IC 24-1-1-6 IS REPEALED [EFFECTIVE JULY 1,
37 2014]. ~~Sec. 6: It shall be the duty of the judges of the circuit courts of~~
38 ~~this state specially to instruct the grand juries as to the provisions of~~
39 ~~this chapter.~~

40 SECTION 44. IC 24-1-2-5 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. It shall be the duty
42 of the attorney general and of the prosecuting attorney of each judicial



1 circuit to institute appropriate proceedings to prevent and restrain
 2 violations of the provisions of this chapter or any other statute or the
 3 common law relating to the subject matter of this chapter and to
 4 prosecute any person or persons guilty of having violated any of the
 5 penal provisions thereof. In all criminal proceedings the prosecution
 6 may be by way of ~~affidavit or indictment~~ **information** the same as in
 7 other criminal matters, and the attorney general shall have concurrent
 8 jurisdiction with the prosecuting attorneys in instituting and
 9 prosecuting any such actions. All civil proceedings to prevent and
 10 restrain violations shall be in the name of the state of Indiana upon
 11 relation of the proper party. The attorney general may file such
 12 proceedings upon ~~his~~ **the attorney general's** own relation or that of
 13 any private person in any circuit or superior court of the state, without
 14 applying to such court for leave, when ~~he~~ **the attorney general** shall
 15 deem it ~~his~~ **the attorney general's** duty so to do. Such proceedings
 16 shall be by information filed by any prosecuting attorney in a circuit or
 17 superior court of the proper county upon ~~his~~ **the prosecuting**
 18 **attorney's** own relation whenever ~~he~~ **the prosecuting attorney shall**
 19 ~~deem it his~~ **believes it is the prosecuting attorney's** duty so to do, or
 20 shall be directed by the court or governor or attorney general, and an
 21 information may be filed by any taxpayer on ~~his~~ **the taxpayer's** own
 22 relation. If judgment or decree be rendered against any domestic
 23 corporation or against any person claiming to be a corporation, the
 24 court may cause the costs to be collected by execution against the
 25 person claiming to be a corporation or by attachment against any or all
 26 of the directors or officers of the corporation, and may restrain the
 27 corporation or any director, agent, employee, or stockholder and
 28 appoint a receiver for ~~its~~ **the corporation's** property and effects, and
 29 take an accounting and make distribution of ~~its~~ **the corporation's**
 30 assets among ~~its~~ **the corporation's** creditors, and exercise any other
 31 power or authority necessary and proper for carrying out the provisions
 32 of this chapter. If judgment or decree be rendered against any
 33 corporation incorporated under the laws of the United States, or of any
 34 district or territory thereof, or of any state other than this state, or of any
 35 foreign country, the court may cause the costs to be collected as in this
 36 section provided and may render judgment and decree of ouster
 37 perpetually excluding such corporation from the privilege of
 38 transacting business in the state of Indiana and forfeiting to the school
 39 fund any or all property of such corporation within the state, and shall
 40 exercise such power and authority with regard to the property of such
 41 corporation as may be exercised with regard to that of domestic
 42 corporations.



1 SECTION 45. IC 24-1-2-11 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. Any person or
 3 officer, agent, or employee of a corporation may be examined as a
 4 witness or a party as in other cases, in any civil action instituted under
 5 the provisions of this chapter and required to disclose all the facts
 6 relevant to the case in ~~his~~ **the witness's or party's** knowledge as
 7 provided in this chapter, but the testimony of such witness or party or
 8 any answer to any question propounded to ~~him~~ **the witness or party** in
 9 such examination shall not be used against such witness or party in any
 10 criminal prosecution except in case of perjury committed by ~~him~~ **the**
 11 **witness or party** therein; and ~~he~~ **the witness or party** shall not be
 12 liable to **criminal** trial ~~by indictment or affidavit~~ or to punishment for
 13 any offense inquired about. ~~provided,~~ However, ~~that~~ such exemption
 14 shall be personal to such witness **or party** and shall not exempt or
 15 render immune the corporation of which such witness **or party** shall
 16 be an officer, agent, or employee, and such corporation shall be as
 17 liable for any violation of this chapter as if such officer, agent, or
 18 employee had not so testified.

19 SECTION 46. IC 25-4-1-4, AS AMENDED BY P.L.194-2005,
 20 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2014]: Sec. 4. The board shall be entitled to the services of the
 22 attorney general in connection with any of the business of the board.
 23 The board shall have the power to administer oaths and take testimony
 24 and proofs concerning any matter which may come within its
 25 jurisdiction. The attorney general, the prosecuting attorney of any
 26 county, the board, or a citizen of a county wherein any person, not
 27 herein exempted, shall engage in the practice of architecture or
 28 landscape architecture, as herein defined, without first having obtained
 29 a certificate of registration, or without first having renewed an expired
 30 certificate of registration, so to practice, may, in accordance with the
 31 provisions of the laws of this state governing injunctions, maintain an
 32 action, in the name of the state of Indiana, to enjoin such person from
 33 engaging in the practice of architecture or landscape architecture, as
 34 herein defined, until a certificate of registration is secured, or renewed,
 35 in accordance with the provisions of this chapter. Any person who has
 36 been so enjoined and who violates the injunction shall be punished for
 37 contempt of court. The injunction shall not relieve such person so
 38 practicing architecture or landscape architecture without a certificate
 39 of registration, or without first having renewed an expired certificate of
 40 registration, from a criminal prosecution therefor, as is provided by this
 41 chapter, but such remedy by injunction shall be in addition to any
 42 remedy provided for herein for the criminal prosecution of such



1 offender. In charging any person in a complaint for an injunction or in
 2 an affidavit ~~or information or indictment~~, with the violation of the
 3 provisions of this chapter, by practicing architecture or landscape
 4 architecture without a certificate of registration or without having
 5 renewed an expired certificate of registration, it shall be sufficient to
 6 charge that the person did upon a certain day and in a certain county
 7 engage in the practice of architecture or landscape architecture, without
 8 having a certificate of registration or without having renewed an
 9 expired certificate of registration, to so practice, without averring any
 10 further or more particular facts concerning the same. The attorney
 11 general and the Indiana professional licensing agency may use the
 12 registered architects and registered landscape architects investigative
 13 fund established by section 32 of this chapter to hire investigators and
 14 other employees to enforce the provisions of this article and to
 15 investigate and prosecute violations of this article.

16 SECTION 47. IC 25-6.1-7-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Affidavits,~~
 18 ~~Informations, Indictments.~~ In charging any person in an affidavit **or**
 19 information ~~or indictment~~ with a violation of this article by carrying on
 20 (without a license obtained under, or pursuant to an exemption defined
 21 in, this article) an activity for the carrying-on of which a license issued
 22 under, or an exemption defined in, this article is required, it shall be
 23 sufficient to charge that the person did, upon a certain day and in a
 24 certain county, engage in such an activity and that ~~he or it~~ **the person**
 25 did not have a license to do so or an exemption (defined in this article)
 26 permitting ~~him or it~~ **the person** to do so. No further or more particular
 27 facts need be averred concerning the matter.

28 SECTION 48. IC 25-14-1-14 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. The attorney
 30 general, prosecuting attorney, the state board of dentistry, or any citizen
 31 of any county where any person shall engage in the practice of
 32 dentistry, as herein defined, without possessing a valid license so to do,
 33 may, in accordance with the laws of the state of Indiana governing
 34 injunctions, maintain an action in the name of the state of Indiana to
 35 enjoin such person from engaging in the practice of dentistry, as herein
 36 defined, until a valid license to practice dentistry be secured. ~~And~~ Any
 37 person who has been so enjoined who shall violate such injunction
 38 shall be punished for contempt of court. ~~Provided, that~~ **However**, such
 39 injunction shall not relieve such person so practicing dentistry without
 40 a valid license from a criminal prosecution therefor as is now provided
 41 by law, but such remedy by injunction shall be in addition to any
 42 remedy now provided for the criminal prosecution of such offender. In



1 charging any person in a complaint for injunction, or in an affidavit **or**
 2 information, ~~or indictment~~, with a violation of this law by practicing
 3 dentistry without a valid license, it shall be sufficient to charge that
 4 such person did, upon a certain day and in a certain county, engage in
 5 the practice of dentistry, ~~he the person~~ not having a valid license so to
 6 do, without averring any further or more particular facts concerning the
 7 same.

8 SECTION 49. IC 25-22.5-8-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Injunctions~~. The
 10 attorney general, prosecuting attorney, the board, or any citizen of any
 11 county where any person engages in the practice of medicine or
 12 osteopathic medicine without a license or a permit to do so, may,
 13 according to the laws of Indiana governing injunctions, maintain an
 14 action in the name of the state of Indiana to enjoin the person from
 15 engaging in the practice of medicine or osteopathic medicine. In
 16 charging any person in an affidavit **or** information ~~or indictment~~, with
 17 a violation of this law by practicing medicine or osteopathic medicine
 18 without a license or permit, it is sufficient to charge that ~~he the person~~
 19 did, upon a certain day and in a certain county, engage in the unlawful
 20 practice of medicine or osteopathic medicine and that ~~he the person~~
 21 did not have any license or permit to do so. No further or more
 22 particular fact need be averred concerning the matter.

23 SECTION 50. IC 25-38.1-4-12, AS ADDED BY P.L.2-2008,
 24 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2014]: Sec. 12. (a) If a person engages in the practice of
 26 veterinary medicine without a license or certificate issued under this
 27 article:

- 28 (1) the attorney general;
- 29 (2) a prosecuting attorney;
- 30 (3) the board; or
- 31 (4) a citizen;

32 may maintain an action in the name of the state to enjoin the person
 33 from engaging in the practice of veterinary medicine.

34 (b) In charging a person under subsection (a) in an affidavit **or**
 35 information ~~or indictment~~ with a violation of this article, it is sufficient
 36 to charge that the person did, on a certain date and in a certain county,
 37 engage in the practice of veterinary medicine without a license or
 38 permit issued under this article.

39 SECTION 51. IC 28-1-7.5-4, AS AMENDED BY P.L.217-2007,
 40 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2014]: Sec. 4. (a) The bank, trust company, corporate
 42 fiduciary, or stock savings bank and the holding company shall file



1 with the department three (3) copies of the plan of exchange certified
 2 by an officer of each as having been approved in accordance with
 3 section 3 of this chapter. They shall also file a statement ~~which that~~
 4 includes:

5 (1) information as to the earnings and financial condition of the
 6 bank, trust company, corporate fiduciary, or stock savings bank as
 7 of the end of its last preceding year as filed with the department,
 8 and similar information, to the extent readily available, as of a
 9 date not earlier than one hundred twenty (120) days before the
 10 filing of the plan of exchange;

11 (2) a balance sheet of the holding company as of the date of the
 12 most recent statement of condition of the bank, trust company,
 13 corporate fiduciary, or stock savings bank required by subdivision
 14 (1);

15 (3) a pro forma balance sheet of the holding company based on
 16 the assumption that the plan of exchange was effective as
 17 proposed at the date of the balance sheet of the holding company
 18 required by subdivision (2);

19 (4) a description of the business intended to be done by the
 20 holding company and of any plans or proposals that the holding
 21 company may have to sell its assets or merge or consolidate with
 22 any other person, or to make any other material change in its
 23 investment policy, business, corporate structures, or management;
 24 (5) a list of all persons who are or who have been selected to
 25 become directors or officers of the holding company, a
 26 description of their principal occupations, a list of all offices and
 27 positions held by them during the past five (5) years, and
 28 information about whether any of them:

29 (A) is under indictment for **or has been charged with;**

30 (B) has been convicted of; or

31 (C) has pleaded guilty or nolo contendere to;

32 a felony involving fraud, deceit, or misrepresentation under the
 33 laws of Indiana or any other jurisdiction;

34 (6) a description of any plans or proposals that the holding
 35 company may have to liquidate the bank, trust company,
 36 corporate fiduciary, or stock savings bank to sell its assets or
 37 merge or consolidate it with any person, or to make any other
 38 material change in its investment policy, business, corporate
 39 structure, or management;

40 (7) a copy of a preliminary proxy or information statement
 41 prepared for distribution to the shareholders of the bank, trust
 42 company, corporate fiduciary, or stock savings bank setting forth



1 all material facts relating to the holding company and the
 2 proposed plan of exchange; and
 3 (8) such other information as the director may prescribe.

4 (b) The statement must:

- 5 (1) assert the completeness and accuracy of the information
 6 referred to in subsection (a)(1) through (a)(8); and
 7 (2) be made under oath or affirmation by an officer of the bank,
 8 trust company, corporate fiduciary, or stock savings bank and an
 9 officer of the holding company.

10 If any material change occurs in the facts set forth in the statement filed
 11 with the department, an amendment setting forth the change, together
 12 with copies of all documents and other material relevant to the change,
 13 shall be filed with the department within five (5) business days after the
 14 parties learn of the change.

15 SECTION 52. IC 28-1-29-5, AS AMENDED BY P.L.216-2013,
 16 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2014]: Sec. 5. (a) Every person doing business as a debt
 18 management company shall make application to the department for a
 19 license to engage in such business. Such application shall be in the
 20 form prescribed by the director and shall contain such information as
 21 the director may require.

22 (b) The department may not issue a license unless the department
 23 finds that the financial responsibility, character, and fitness of:

- 24 (1) the applicant and any significant affiliate of the applicant;
 25 (2) each executive officer, director, or manager of the applicant,
 26 or any other individual having a similar status or performing a
 27 similar function for the applicant;
 28 (3) if known, each person directly or indirectly owning of record
 29 or owning beneficially at least ten percent (10%) of the
 30 outstanding shares of any class of equity security of the applicant;
 31 and
 32 (4) each of the applicant's:
 33 (A) employees; or
 34 (B) agents;

35 authorized to initiate transactions involving the trust account
 36 required under section 9 of this chapter;
 37 warrant belief that the business will be operated honestly and fairly
 38 under this chapter. The department is entitled to request evidence of an
 39 applicant's financial responsibility, character, and fitness.

40 (c) An application submitted under this section must indicate
 41 whether any individuals described in subsection (b)(2), (b)(3), or
 42 (b)(4):



- 1 (1) are, at the time of the application, **named in an information**
 2 **or** under indictment for a felony under Indiana law or the laws of
 3 any other jurisdiction; or
 4 (2) have been convicted of a felony under Indiana law or the laws
 5 of any other jurisdiction.

6 (d) Unless waived upon written request to and approval by the
 7 director, an application submitted to the department under this section
 8 must include copies of the applicant's audited financial statements for
 9 the applicant's most recently concluded fiscal year and, if available, for
 10 the applicant's two (2) fiscal years immediately preceding the
 11 applicant's most recently concluded fiscal year, including a:

- 12 (1) balance sheet;
 13 (2) statement of income or loss;
 14 (3) statement of changes in shareholder equity; and
 15 (4) statement of changes in financial position.

16 A financial statement required to be submitted under this subsection
 17 must be prepared by an independent certified public accountant
 18 authorized to do business in the United States in accordance with
 19 AICPA Statements on Standards for Accounting and Review Services
 20 (SSARS).

21 (e) The department may deny an application under this section if the
 22 director of the department determines that the application was
 23 submitted for the benefit of, or on behalf of, a person who does not
 24 qualify for a license.

25 (f) Upon written request, an applicant is entitled to a hearing under
 26 IC 4-21.5 on the question of the qualifications of the applicant for a
 27 license.

28 SECTION 53. IC 28-7-5-4, AS AMENDED BY P.L.216-2013,
 29 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 4. (a) Application for a pawnbroker's license shall
 31 be submitted on a form prescribed by the director and must include all
 32 information required by the director. An application submitted under
 33 this section must identify the location or locations at which the
 34 applicant proposes to engage in business as a pawnbroker in Indiana.
 35 If any business, other than the business of acting as a pawnbroker under
 36 this chapter, will be conducted by the applicant or another person at
 37 any location identified under this subsection, the applicant shall
 38 indicate for each location at which another business will be conducted:

- 39 (1) the nature of the other business;
 40 (2) the name under which the other business operates;
 41 (3) the address of the principal office of the other business;
 42 (4) the name and address of the business's resident agent in



- 1 Indiana; and
 2 (5) any other information the director may require.
- 3 (b) An application submitted under this section must indicate
 4 whether any individual described in section 8(a)(2) or 8(a)(3) of this
 5 chapter at the time of the application:
- 6 (1) **has been charged with or** is under indictment for a felony
 7 under the laws of Indiana or any other jurisdiction; or
 8 (2) has been convicted of or pleaded guilty or nolo contendere to
 9 a felony under the laws of Indiana or any other jurisdiction.
- 10 (c) The director may request that the applicant provide evidence of
 11 compliance with this section at:
- 12 (1) the time of application;
 13 (2) the time of renewal of a license; or
 14 (3) any other time considered necessary by the director.
- 15 (d) For purposes of subsection (c), evidence of compliance with this
 16 section may include:
- 17 (1) criminal background checks, including a national criminal
 18 history background check (as defined in IC 10-13-3-12) by the
 19 Federal Bureau of Investigation for any individual described in
 20 subsection (b);
 21 (2) credit histories; and
 22 (3) other background checks considered necessary by the director.
- 23 If the director requests a national criminal history background check
 24 under subdivision (1) for an individual described in ~~that~~ subdivision
 25 **(1)**, the director shall require the individual to submit fingerprints to the
 26 department or to the state police department, as appropriate, at the time
 27 evidence of compliance is requested under subsection (c). The
 28 individual to whom the request is made shall pay any fees or costs
 29 associated with the fingerprints and the national criminal history
 30 background check. The national criminal history background check
 31 may be used by the director to determine the individual's compliance
 32 with this section. The director or the department may not release the
 33 results of the national criminal history background check to any private
 34 entity.
- 35 SECTION 54. IC 28-8-4-39 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 39. A licensee shall file
 37 a written report with the director not later than fifteen (15) days after
 38 the occurrence of one (1) or more of the following events:
- 39 (1) The filing for bankruptcy or reorganization by the licensee.
 40 (2) The institution of revocation or suspension proceedings
 41 against the licensee by a state or governmental authority with
 42 regard to the licensee's money transmission activities.



1 (3) ~~A felony indictment of~~ The licensee or ~~of~~ a key officer or
 2 director of the licensee **is named in an information or**
 3 **indictment under the laws of Indiana or any other jurisdiction**
 4 related to money transmission activities.

5 (4) A felony conviction of the licensee or a key officer or director
 6 of the licensee related to money transmission activities.

7 The written report must give details concerning the event.

8 SECTION 55. IC 28-8-5-11, AS AMENDED BY P.L.172-2011,
 9 SECTION 135, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person shall not engage
 11 in the business of cashing checks for consideration without first
 12 obtaining a license.

13 (b) Each application for a license shall be in writing in such form as
 14 the director may prescribe and shall include all of the following:

15 (1) The following information pertaining to the applicant:

- 16 (A) Name.
- 17 (B) Residence address.
- 18 (C) Business address.

19 (2) The following information pertaining to any individual
 20 described in section 12(b)(1) of this chapter:

- 21 (A) Name.
- 22 (B) Residence address.
- 23 (C) Business address.
- 24 (D) Whether the person:
 - 25 (i) is, at the time of the application, **named in an**
 - 26 **information or** under indictment for a felony under the laws
 - 27 of Indiana or any other jurisdiction; or
 - 28 (ii) has been convicted of or pleaded guilty or nolo
 - 29 contendere to a felony under the laws of Indiana or any other
 - 30 jurisdiction.

31 (3) The address where the applicant's office or offices will be
 32 located. If any business, other than the business of cashing checks
 33 under this chapter, will be conducted by the applicant or another
 34 person at any of the locations identified under this subdivision,
 35 the applicant shall indicate for each location at which another
 36 business will be conducted:

- 37 (A) the nature of the other business;
- 38 (B) the name under which the other business operates;
- 39 (C) the address of the principal office of the other business;
- 40 (D) the name and address of the business's resident agent in
- 41 Indiana; and
- 42 (E) any other information that the director may require.



1 (4) If the department of state revenue notifies the department that
 2 a person is on the most recent tax warrant list, the department
 3 shall not issue or renew the person's license until:

4 (A) the person provides to the department a statement from the
 5 department of state revenue that the person's tax warrant has
 6 been satisfied; or

7 (B) the department receives a notice from the commissioner of
 8 the department of state revenue under IC 6-8.1-8-2(k).

9 (5) Such other data, financial statements, and pertinent
 10 information as the director may require.

11 (c) The application shall be filed with a nonrefundable fee fixed by
 12 the department under IC 28-11-3-5.

13 SECTION 56. IC 28-11-4-3, AS AMENDED BY P.L.35-2010,
 14 SECTION 198, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) If the director determines that
 16 a current or former director, officer, or employee of a financial
 17 institution has:

18 (1) committed a violation of a statute, a rule, a final cease and
 19 desist order, any condition imposed in writing by the director in
 20 connection with the grant of any application or other request by
 21 the financial institution, or any written agreement between the
 22 financial institution and the director or the department;

23 (2) engaged or participated in an unsafe or unsound practice in
 24 connection with the financial institution;

25 (3) committed or engaged in an act, an omission, or a practice that
 26 constitutes a breach of fiduciary duty as director, officer, or
 27 employee; or

28 (4) been convicted of, has pleaded guilty or nolo contendere to, or
 29 is **named in an information or** under indictment for, a felony
 30 involving fraud, deceit, or misrepresentation under the laws of
 31 Indiana or any other jurisdiction;

32 the director, subject to subsection (b), may issue and serve upon the
 33 officer, director, or employee a notice of the director's intent to issue an
 34 order removing the person from the person's office or employment, an
 35 order prohibiting any participation by the person in the conduct of the
 36 affairs of any financial institution, or an order both removing the person
 37 and prohibiting the person's participation.

38 (b) A violation, practice, or breach specified in subdivision (a) is
 39 subject to the authority of the director under subsection (a) if the
 40 director finds any of the following:

41 (1) By reason of the violation, practice, or breach, the financial
 42 institution has suffered or will probably suffer substantial



1 financial loss or other damage.

2 (2) The interests of the financial institution's depositors could be
3 seriously prejudiced by reason of the violation, practice, or breach
4 of fiduciary duty.

5 (3) The violation, practice, or breach involves personal dishonesty
6 on the part of the officer, director, or employee involved.

7 (4) The violation, practice, or breach demonstrates a willful or
8 continuing disregard by the officer, director, or employee for the
9 safety and soundness of the financial institution.

10 (c) A person who:

11 (1) is **named in an information or** under indictment for;

12 (2) has been convicted of; or

13 (3) has pleaded guilty or nolo contendere to;

14 a felony involving fraud, deceit, or misrepresentation under the laws of
15 Indiana or any other jurisdiction may not serve as a director, an officer,
16 or an employee of a financial institution, or serve in any similar
17 capacity, unless the person obtains the written consent of the director.

18 (d) A financial institution that willfully permits a person to serve the
19 financial institution in violation of subsection (b) or (c) is subject to a
20 civil penalty of five hundred dollars (\$500) for each day the violation
21 continues. A civil penalty paid under this subsection must be deposited
22 into the financial institutions fund established by IC 28-11-2-9.

23 SECTION 57. IC 29-3-2-0.2, AS ADDED BY P.L.220-2011,
24 SECTION 481, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2014]: Sec. 0.2. (a) As used in this section,
26 "affected statutes" refers to the following:

27 (1) IC 16-8-12-7 (repealed, now codified at IC 16-36-1-8).

28 (2) IC 29-1-7.5-2.

29 (3) IC 33-16-2-2 (repealed, now codified at IC 33-42-2-2).

30 (4) IC 33-19-3-2 (repealed, now codified at IC 33-37-3-2).

31 (5) IC 35-34-2-3 (**repealed**).

32 (6) IC 35-37-1-5.

33 (b) This article and the amendments made by P.L.169-1988 to the
34 affected statutes apply to guardianships in existence on June 30, 1989,
35 except to the extent that application of this article and the amendments
36 made by P.L.169-1988 to the affected statutes would contravene any
37 vested or contractual rights in effect on June 30, 1989, in which case
38 the law in effect before July 1, 1989, prevails.

39 SECTION 58. IC 31-30-3-11 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. The prosecuting
41 attorney shall file a copy of the waiver order with the court to which the
42 child has been waived when the prosecuting attorney files the



- 1 ~~indictment~~ or information.
- 2 SECTION 59. IC 31-33-18-1.5, AS AMENDED BY P.L.119-2013,
 3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2014]: Sec. 1.5. (a) This section applies to records held by:
 5 (1) a local office;
 6 (2) the department; or
 7 (3) the department of child services ombudsman established by
 8 IC 4-13-19-3;
 9 regarding a child whose death or near fatality may have been the result
 10 of abuse, abandonment, or neglect.
- 11 (b) For purposes of subsection (a), a child's death or near fatality
 12 may have been the result of abuse, abandonment, or neglect if:
 13 (1) an entity described in subsection (a) determines that the child's
 14 death or near fatality is the result of abuse, abandonment, or
 15 neglect; or
 16 (2) a prosecuting attorney files:
 17 (A) an ~~indictment~~ or information; or
 18 (B) a complaint alleging the commission of a delinquent act;
 19 that, if proven, would cause a reasonable person to believe that
 20 the child's death or near fatality may have been the result of
 21 abuse, abandonment, or neglect.
- 22 Upon the request of any person, or upon its own motion, the court
 23 exercising juvenile jurisdiction in the county in which the child's death
 24 or near fatality occurred shall determine whether the allegations
 25 contained in the ~~indictment~~, information or complaint described in
 26 subdivision (2), if proven, would cause a reasonable person to believe
 27 that the child's death or near fatality may have been the result of abuse,
 28 abandonment, or neglect.
- 29 (c) If the juvenile court finds that the child's death or near fatality
 30 was the result of abuse, abandonment, or neglect, the court shall make
 31 written findings and provide a copy of the findings and the ~~indictment~~,
 32 information or complaint described under subsection (b)(2) to the
 33 department.
- 34 (d) As used in this section:
 35 (1) "case" means:
 36 (A) any intake report generated by the department;
 37 (B) any investigation or assessment conducted by the
 38 department; or
 39 (C) ongoing involvement between the department and a child
 40 or family that is the result of:
 41 (i) a program of informal adjustment; or
 42 (ii) a child in need of services action;



1 for which related records and documents have not been expunged
 2 as required by law or by a court at the time the department is
 3 notified of a fatality or near fatality;

4 (2) "contact" means in person communication about a case in
 5 which:

6 (A) the child who is the victim of a fatality or near fatality is
 7 alleged to be a victim; or

8 (B) the perpetrator of the fatality or near fatality is alleged to
 9 be the perpetrator;

10 (3) "identifying information" means information that identifies an
 11 individual, including an individual's:

12 (A) name, address, date of birth, occupation, place of
 13 employment, and telephone number;

14 (B) employer identification number, mother's maiden name,
 15 Social Security number, or any identification number issued by
 16 a governmental entity;

17 (C) unique biometric data, including the individual's
 18 fingerprint, voice print, or retina or iris image;

19 (D) unique electronic identification number, address, or
 20 routing code;

21 (E) telecommunication identifying information; or

22 (F) telecommunication access device, including a card, a plate,
 23 a code, an account number, a personal identification number,
 24 an electronic serial number, a mobile identification number, or
 25 another telecommunications service or device or means of
 26 account access; and

27 (4) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

28 (e) Unless information in a record is otherwise confidential under
 29 state or federal law, a record described in subsection (a) that has been
 30 redacted in accordance with this section is not confidential and may be
 31 disclosed to any person who requests the record. The person requesting
 32 the record may be required to pay the reasonable expenses of copying
 33 the record.

34 (f) When a person requests a record described in subsection (a), the
 35 entity having control of the record shall immediately transmit a copy of
 36 the record to the court exercising juvenile jurisdiction in the county in
 37 which the death or near fatality of the child occurred. However, if the
 38 court requests that the entity having control of a record transmit the
 39 original record, the entity shall transmit the original record.

40 (g) Upon receipt of the record described in subsection (a), the court
 41 shall, within thirty (30) days, redact the record to exclude:

42 (1) identifying information described in subsection (d)(3)(B)



- 1 through (d)(3)(F) of a person; and
 2 (2) all identifying information of a child less than eighteen (18)
 3 years of age.
 4 (h) The court shall disclose the record redacted in accordance with
 5 subsection (g) to any person who requests the record, if the person has
 6 paid:
 7 (1) to the entity having control of the record, the reasonable
 8 expenses of copying under IC 5-14-3-8; and
 9 (2) to the court, the reasonable expenses of copying the record.
 10 (i) The data and information in a record disclosed under this section
 11 must include the following:
 12 (1) A summary of the report of abuse or neglect and a factual
 13 description of the contents of the report.
 14 (2) The date of birth and gender of the child.
 15 (3) The cause of the fatality or near fatality, if the cause has been
 16 determined.
 17 (4) Whether the department had any contact with the child or the
 18 perpetrator before the fatality or near fatality, and, if the
 19 department had contact, the following:
 20 (A) The frequency of the contact with the child or the
 21 perpetrator before the fatality or near fatality and the date on
 22 which the last contact occurred before the fatality or near
 23 fatality.
 24 (B) A summary of the status of the child's case at the time of
 25 the fatality or near fatality, including:
 26 (i) whether the child's case was closed by the department
 27 before the fatality or near fatality; and
 28 (ii) if the child's case was closed as described under item (i),
 29 the date of closure and the reasons that the case was closed.
 30 (j) The court's determination under subsection (g) that certain
 31 identifying information or other information is not relevant to
 32 establishing the facts and circumstances leading to the death or near
 33 fatality of a child is not admissible in a criminal proceeding or civil
 34 action.
 35 SECTION 60. IC 31-33-18-2, AS AMENDED BY P.L.119-2013,
 36 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2014]: Sec. 2. The reports and other material described in
 38 section 1(a) of this chapter and the unredacted reports and other
 39 material described in section 1(b) of this chapter shall be made
 40 available only to the following:
 41 (1) Persons authorized by this article.
 42 (2) A legally mandated public or private child protective agency



- 1 investigating a report of child abuse or neglect or treating a child
 2 or family that is the subject of a report or record.
- 3 (3) A police or other law enforcement agency, prosecuting
 4 attorney, or coroner in the case of the death of a child who is
 5 investigating a report of a child who may be a victim of child
 6 abuse or neglect.
- 7 (4) A physician who has before the physician a child whom the
 8 physician reasonably suspects may be a victim of child abuse or
 9 neglect.
- 10 (5) An individual legally authorized to place a child in protective
 11 custody if:
- 12 (A) the individual has before the individual a child whom the
 13 individual reasonably suspects may be a victim of abuse or
 14 neglect; and
- 15 (B) the individual requires the information in the report or
 16 record to determine whether to place the child in protective
 17 custody.
- 18 (6) An agency having the legal responsibility or authorization to
 19 care for, treat, or supervise a child who is the subject of a report
 20 or record or a parent, guardian, custodian, or other person who is
 21 responsible for the child's welfare.
- 22 (7) An individual named in the report or record who is alleged to
 23 be abused or neglected or, if the individual named in the report is
 24 a child or is otherwise incompetent, the individual's guardian ad
 25 litem or the individual's court appointed special advocate, or both.
- 26 (8) Each parent, guardian, custodian, or other person responsible
 27 for the welfare of a child named in a report or record and an
 28 attorney of the person described under this subdivision, with
 29 protection for the identity of reporters and other appropriate
 30 individuals.
- 31 (9) A court, for redaction of the record in accordance with section
 32 1.5 of this chapter, or upon the court's finding that access to the
 33 records may be necessary for determination of an issue before the
 34 court. However, except for disclosure of a redacted record in
 35 accordance with section 1.5 of this chapter, access is limited to in
 36 camera inspection unless the court determines that public
 37 disclosure of the information contained in the records is necessary
 38 for the resolution of an issue then pending before the court.
- 39 ~~(10) A grand jury upon the grand jury's determination that access~~
 40 ~~to the records is necessary in the conduct of the grand jury's~~
 41 ~~official business.~~
- 42 ~~(11)~~ **(10)** An appropriate state or local official responsible for



- 1 child protection services or legislation carrying out the official's
 2 official functions.
- 3 ~~(12)~~ **(11)** A foster care review board established by a juvenile
 4 court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal)
 5 upon the court's determination that access to the records is
 6 necessary to enable the foster care review board to carry out the
 7 board's purpose under IC 31-34-21.
- 8 ~~(13)~~ **(12)** The community child protection team appointed under
 9 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
 10 enable the team to carry out the team's purpose under IC 31-33-3.
- 11 ~~(14)~~ **(13)** A person about whom a report has been made, with
 12 protection for the identity of:
- 13 (A) any person reporting known or suspected child abuse or
 14 neglect; and
- 15 (B) any other person if the person or agency making the
 16 information available finds that disclosure of the information
 17 would be likely to endanger the life or safety of the person.
- 18 ~~(15)~~ **(14)** An employee of the department, a caseworker, or a
 19 juvenile probation officer conducting a criminal history check
 20 under IC 31-26-5, IC 31-34, or IC 31-37 to determine the
 21 appropriateness of an out-of-home placement for a:
- 22 (A) child at imminent risk of placement;
 23 (B) child in need of services; or
 24 (C) delinquent child.
- 25 The results of a criminal history check conducted under this
 26 subdivision must be disclosed to a court determining the
 27 placement of a child described in clauses (A) through (C).
- 28 ~~(16)~~ **(15)** A local child fatality review team established under
 29 IC 16-49-2.
- 30 ~~(17)~~ **(16)** The statewide child fatality review committee
 31 established by IC 16-49-4.
- 32 ~~(18)~~ **(17)** The department.
- 33 ~~(19)~~ **(18)** The division of family resources, if the investigation
 34 report:
- 35 (A) is classified as substantiated; and
 36 (B) concerns:
- 37 (i) an applicant for a license to operate;
 38 (ii) a person licensed to operate;
 39 (iii) an employee of; or
 40 (iv) a volunteer providing services at;
 41 a child care center licensed under IC 12-17.2-4 or a child care
 42 home licensed under IC 12-17.2-5.



- 1 ~~(20)~~ **(19)** A citizen review panel established under
 2 IC 31-25-2-20.4.
- 3 ~~(21)~~ **(20)** The department of child services ombudsman
 4 established by IC 4-13-19-3.
- 5 ~~(22)~~ **(21)** The state superintendent of public instruction with
 6 protection for the identity of:
- 7 (A) any person reporting known or suspected child abuse or
 8 neglect; and
- 9 (B) any other person if the person or agency making the
 10 information available finds that disclosure of the information
 11 would be likely to endanger the life or safety of the person.
- 12 ~~(23)~~ **(22)** The state child fatality review coordinator employed by
 13 the state department of health under IC 16-49-5-1.
- 14 SECTION 61. IC 31-34-7-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who is
 16 accused of committing child abuse or neglect is entitled under
 17 ~~IC 31-33-18-2(14)~~ **IC 31-33-18-2(13)** to access to a report relevant to
 18 an alleged accusation.
- 19 SECTION 62. IC 33-28-5-12, AS AMENDED BY P.L.118-2007,
 20 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2014]: Sec. 12. (a) Under the supervision of the supervising
 22 judge, the jury administrator shall prepare a written plan for the
 23 selection of ~~grand and~~ petit jurors in the county. The plan must be
 24 designed to achieve the objectives of this chapter. The plan must
 25 specify the following:
- 26 (1) Source of names for the master list.
- 27 (2) Form of the master list.
- 28 (3) Method of selecting names from the master list.
- 29 (4) Methods for maintaining records of names drawn, jurors
 30 qualified, and jurors' deferrals and reasons to be deferred,
 31 including specifying any necessary forms.
- 32 (5) Method of drawing names of qualified jurors for prospective
 33 service.
- 34 (6) Procedures to be followed by prospective jurors in requesting
 35 to be deferred from jury service.
- 36 (7) Number of petit jurors that constitutes a panel for civil and
 37 criminal cases or a description of the uniform manner in which
 38 this determination is made.
- 39 ~~(8) That upon receipt of an order for a grand jury, the jury~~
 40 ~~administrator shall publicly, and in accordance with section 20 of~~
 41 ~~this chapter, draw at random from the jury pool twelve (12)~~
 42 ~~qualified jurors and direct them to appear before the supervising~~



1 judge. The supervising judge shall randomly select six (6) jurors
2 after:

3 (A) explaining to the twelve (12) prospective jurors the duties
4 and responsibilities of a grand jury; and

5 (B) deferring jurors under section 18 of this chapter.

6 (b) The plan must be submitted by the jury administrator to the
7 judges of the courts. The judges of the courts shall approve or direct
8 modification of the plan not later than sixty (60) days after its receipt.
9 If the plan is found not to comply, the court shall order the jury
10 administrator to make the necessary changes to bring the plan into
11 compliance. The approved plan must go into effect not later than sixty
12 (60) days after the plan is approved by the judges of the courts.

13 (c) The plan may be modified at any time according to the
14 procedure specified under this chapter.

15 (d) The plan is a public document on file in the office of the jury
16 administrator and must be available for inspection at all reasonable
17 times.

18 SECTION 63. IC 33-28-5-14, AS AMENDED BY P.L.118-2007,
19 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2014]: Sec. 14. (a) Names must be drawn for the jury pool at
21 least one (1) time each year based on a calendar year commencing in
22 January. Drawing of names for the first jury pool for a calendar year
23 must be held during the last quarter of the calendar year preceding the
24 calendar year for which names are being drawn, at a time and place
25 prescribed by the jury administrator.

26 (b) The number of names required to be drawn from the jury pool
27 for jury service must be determined by the jury administrator after
28 consultation with all judges of the courts who may conduct jury trials.
29 ~~taking into consideration the number of jurors required for the grand~~
30 ~~jury.~~

31 (c) The frequency of the drawing of names to be summoned for jury
32 service may be increased by the jury administrator if the jury
33 administrator determines it necessary for purposes of fairness,
34 efficiency, or to ensure compliance with this chapter.

35 (d) Names to be summoned for jury service must be drawn
36 randomly under section 20 of this chapter.

37 (e) Except by order of the supervising judge, names drawn from the
38 jury pool to be summoned for jury service may not be returned to the
39 jury pool until all nonexempt persons in the jury pool have been called.

40 (f) This section shall be construed liberally, to the effect that

41 ~~(1) an indictment may not be quashed; and~~

42 ~~(2) a trial, a judgment, an order, or a proceeding may not be~~



1 reversed or held invalid
 2 on the ground that the terms of this section have not been followed,
 3 unless it appears that the noncompliance was either in bad faith or was
 4 objected to promptly upon discovery and was probably harmful to the
 5 substantial rights of the objecting party.

6 SECTION 64. IC 33-28-5-18, AS AMENDED BY P.L.157-2009,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2014]: Sec. 18. (a) The supervising judge or the jury
 9 administrator shall determine whether a prospective juror is qualified
 10 to serve or, if disabled but otherwise qualified, whether the prospective
 11 juror could serve with reasonable accommodation. A person who is not
 12 eligible for jury service may not serve. The facts supporting juror
 13 disqualification or exemption must be recorded under oath or
 14 affirmation. A disqualification or exemption is not authorized unless
 15 supported by the facts. The jury administrator shall make a record of all
 16 disqualifications.

17 (b) A prospective juror is disqualified to serve on a jury if any of the
 18 following conditions exist:

19 (1) The person is not a citizen of the United States, at least
 20 eighteen (18) years of age, and a resident of the county.

21 (2) The person is unable to read, speak, and understand the
 22 English language with a degree of proficiency sufficient to fill out
 23 satisfactorily a juror qualification form.

24 (3) The person is incapable of rendering satisfactory jury service
 25 due to physical or mental disability. However, a person claiming
 26 this disqualification may be required to submit a physician's or
 27 authorized Christian Science practitioner's certificate confirming
 28 the disability, and the certifying physician or practitioner is then
 29 subject to inquiry by the court at the court's discretion.

30 (4) A guardian has been appointed for the person under IC 29-3
 31 because the person has a mental incapacity.

32 (5) The person has had the right to vote revoked by reason of a
 33 felony conviction and the right has not been restored.

34 (c) A person scheduled to appear for jury service has the right to
 35 defer the date of the person's initial appearance for jury service one (1)
 36 time upon a showing of hardship, extreme inconvenience, or necessity.
 37 The court shall grant a prospective juror's request for deferral if the
 38 following conditions are met:

39 (1) The prospective juror has not previously been granted a
 40 deferral.

41 (2) The prospective juror requests a deferral by contacting the
 42 jury administrator:



- 1 (A) by telephone;
 2 (B) by electronic mail;
 3 (C) in writing; or
 4 (D) in person.
- 5 (3) The prospective juror selects another date on which the
 6 prospective juror will appear for jury service that is:
 7 (A) not more than one (1) year after the date upon which the
 8 prospective juror was originally scheduled to appear; and
 9 (B) a date when the court will be in session.
- 10 (4) The court determines that the prospective juror has
 11 demonstrated that a deferral is necessary due to:
 12 (A) hardship;
 13 (B) extreme inconvenience; or
 14 (C) necessity.
- 15 (d) A prospective juror who is at least seventy-five (75) years of age
 16 may be exempted from jury service if the prospective juror notifies the
 17 jury administrator that the prospective juror is at least seventy-five (75)
 18 years of age and wishes to be exempted from jury service.
- 19 (e) A person may not serve as a petit juror in any county if the
 20 person served as a petit juror in the same county within the previous
 21 three hundred sixty-five (365) days in a case that resulted in a verdict.
 22 The fact that a person's selection as a juror would violate this
 23 subsection is sufficient cause for challenge.
- 24 (f) ~~A grand jury~~; A petit jury or an individual juror drawn for service
 25 in one (1) court may serve in another court of the county, in accordance
 26 with orders entered on the record in each of the courts.
- 27 (g) The same petit jurors may be used in civil cases and in criminal
 28 cases.
- 29 (h) A person may not be excluded from jury service on account of
 30 race, color, religion, sex, national origin, or economic status.
- 31 SECTION 65. IC 33-28-5-21, AS AMENDED BY P.L.118-2007,
 32 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2014]: Sec. 21. (a) Not later than seven (7) days after a
 34 moving party discovers or by the exercise of diligence could have
 35 discovered grounds, but before a petit jury is sworn to try a case, a
 36 party may:
 37 (1) in a civil case move to stay the proceedings; and
 38 (2) in a criminal case move:
 39 (A) to dismiss the indictment (if the case has been brought by
 40 indictment);
 41 ~~(B)~~ (A) to stay the proceedings; or
 42 ~~(C)~~ (B) for other appropriate relief;



1 on the ground of substantial failure to comply with this chapter in
 2 selecting the prospective grand jurors (**before the abolishment of the**
 3 **grand jury**) or petit jurors.

4 (b) Upon a motion filed under subsection (a) containing a sworn
 5 statement of facts that, if true, would constitute a substantial failure to
 6 comply with this chapter, the moving party may present evidence in
 7 support of the motion.

8 (c) If the court determines that in selecting either a grand jury
 9 (**before the abolishment of the grand jury**) or a petit jury there has
 10 been a substantial failure to comply with this chapter, the court:

11 (1) shall stay the proceedings pending the selection of the jury in
 12 conformity with this chapter; and

13 (2) may ~~dismiss an indictment (if the case was brought by~~
 14 ~~indictment)~~ or grant other appropriate relief.

15 (d) The procedures required by this section are the exclusive means
 16 by which the state, a person accused of an offense, or a party in a civil
 17 case may challenge a jury on the ground that the jury was not selected
 18 in conformity with this chapter.

19 (e) The parties to the case may inspect, reproduce, and copy the
 20 records or papers of the jury administrator at all reasonable times
 21 during the preparation and pendency of a motion under subsection (a).

22 SECTION 66. IC 33-28-5-23, AS AMENDED BY P.L.118-2007,
 23 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2014]: Sec. 23. (a) A person who appears for service as a petit
 25 ~~or grand~~ juror serves until the conclusion of the first trial in which the
 26 juror is sworn, regardless of the length of the trial or the manner in
 27 which the trial is disposed. A person who appears for service but is not
 28 selected and sworn as a juror completes the person's service when jury
 29 selection is complete.

30 (b) Except by order of the supervising judge, a person who:

31 (1) serves as a juror under this chapter; or

32 (2) serves until jury selection is complete but is not chosen to
 33 serve as a juror;

34 may not be selected for another jury panel until all nonexempt persons
 35 in the jury pool have been called for jury duty.

36 SECTION 67. IC 33-29-1-8, AS AMENDED BY P.L.118-2007,
 37 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: Sec. 8. (~~a~~) A jury in the standard superior court shall
 39 be selected as provided in IC 33-28-5.

40 (~~b~~) ~~A grand jury selected for the circuit court of the county in which~~
 41 ~~the standard superior court is located shall serve as the grand jury for~~
 42 ~~the standard superior court.~~



1 SECTION 68. IC 33-37-2-2, AS AMENDED BY P.L.156-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 2. (a) Costs in a criminal action are not a part of
4 the sentence and may be suspended only under section 3 of this
5 chapter. However, if:

6 (1) two (2) or more charges against a person are joined for trial;
7 and

8 (2) the person is convicted of two (2) or more offenses in the trial;
9 the court may waive the person's liability for costs for all but one (1) of
10 the offenses.

11 (b) If a person is acquitted or an ~~indictment~~ or information is
12 dismissed by order of the court, the person is not liable for costs.

13 SECTION 69. IC 33-37-10-1, AS AMENDED BY P.L.118-2007,
14 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2014]: Sec. 1. (a) A juror of a circuit, superior, county, or
16 probate court ~~or a member of a grand jury~~ is entitled to the sum of the
17 following:

18 (1) Except as provided in subsection (f), an amount for mileage
19 at the mileage rate paid to state officers and employees for each
20 mile necessarily traveled to and from the court.

21 (2) Payment at the rate of:

22 (A) fifteen dollars (\$15) for each day the juror is in actual
23 attendance in court until the jury is impaneled; and

24 (B) forty dollars (\$40) for each day the juror is in actual
25 attendance after impaneling and until the jury is discharged.

26 (b) A county fiscal body may adopt an ordinance to pay from county
27 funds a supplemental fee in addition to the fees prescribed by
28 subsection (a)(2).

29 (c) A juror of a city or town court is entitled to the sum of the
30 following:

31 (1) Except as provided in subsection (f), an amount for mileage
32 at the mileage rate paid to state officers and employees for each
33 mile necessarily traveled to and from the court.

34 (2) Fifteen dollars (\$15) per day while the juror is in actual
35 attendance.

36 (d) A city or town fiscal body may adopt an ordinance to pay from
37 city or town funds a supplemental fee in addition to the fee prescribed
38 by subsection (c)(2).

39 (e) For purposes of this section, a prospective juror who is
40 summoned for jury duty and who reports to the summoning court on
41 the day specified in the summons is in actual attendance on that day.

42 (f) A county, city, or town fiscal body may adopt an ordinance



1 providing for the payment by the county, city, or town of the parking
 2 fees incurred by jurors of circuit, superior, county, and probate courts.
 3 ~~and members of grand juries~~. If a county, city, or town fiscal body
 4 adopts an ordinance under this subsection, the county, city, or town
 5 may pay the parking fees incurred by a juror of a circuit, superior,
 6 county, or probate court ~~or a member of a grand jury~~ instead of paying
 7 the juror ~~or grand jury member~~ an amount for mileage at the rate
 8 provided in subsection (a)(1) or (c)(1).

9 SECTION 70. IC 33-37-10-2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A witness in a
 11 criminal action may receive a fee if the witness:

- 12 (1) is summoned by the state;
- 13 (2) is named on the ~~indictment~~ or information; and
- 14 (3) testifies under oath to a material fact in aid of the prosecution.

15 (b) A fee paid under subsection (a) is the sum of the following:

- 16 (1) An amount for mileage at the mileage rate paid to state
 17 officers for each mile necessarily traveled to and from the court.
- 18 (2) For each day of attendance in court equal to:
 - 19 (A) fifteen dollars (\$15) for witnesses subpoenaed under
 20 IC 35-37-5-4; or
 - 21 (B) five dollars (\$5) for all other witnesses.

22 SECTION 71. IC 33-39-1-6, AS AMENDED BY P.L.114-2012,
 23 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2014]: Sec. 6. (a) Special prosecutors may be appointed under
 25 this section or in accordance with IC 4-2-7-7.

26 (b) A circuit or superior court judge:

- 27 (1) shall appoint a special prosecutor if:
 - 28 (A) any person other than the prosecuting attorney or the
 29 prosecuting attorney's deputy files a verified petition
 30 requesting the appointment of a special prosecutor; and
 - 31 (B) the prosecuting attorney agrees that a special prosecutor is
 32 needed;
- 33 (2) may appoint a special prosecutor if:
 - 34 (A) a person files a verified petition requesting the
 35 appointment of a special prosecutor; and
 - 36 (B) the court, after:
 - 37 (i) notice is given to the prosecuting attorney; and
 - 38 (ii) an evidentiary hearing is conducted at which the
 39 prosecuting attorney is given an opportunity to be heard;
 40 finds by clear and convincing evidence that the appointment
 41 is necessary to avoid an actual conflict of interest or there is
 42 probable cause to believe that the ~~prosecutor~~ **prosecuting**



- 1 **attorney** has committed a crime;
 2 (3) may appoint a special prosecutor if:
 3 (A) the prosecuting attorney files a petition requesting the
 4 court to appoint a special prosecutor; and
 5 (B) the court finds that the appointment is necessary to avoid
 6 the appearance of impropriety;
 7 (4) may appoint a special prosecutor if:
 8 (A) an elected public official, who is a defendant in a criminal
 9 proceeding, files a verified petition requesting a special
 10 prosecutor within ten (10) days after the date of the initial
 11 hearing; and
 12 (B) the court finds that the appointment of a special prosecutor
 13 is in the best interests of justice; and
 14 (5) shall appoint a special prosecutor if:
 15 (A) a previously appointed special prosecutor:
 16 (i) files a motion to withdraw as special prosecutor; or
 17 (ii) has become incapable of continuing to represent the
 18 interests of the state; and
 19 (B) the court finds that the facts that established the basis for
 20 the initial appointment of a special prosecutor still exist.
 21 The elected prosecuting attorney of the appointing jurisdiction
 22 shall receive notice of all pleadings filed and orders issued under
 23 this subdivision.
 24 (c) Each person appointed to serve as a special prosecutor:
 25 (1) must consent to the appointment; and
 26 (2) must be:
 27 (A) the prosecuting attorney or a deputy prosecuting attorney
 28 in a county other than the county in which the person is to
 29 serve as special prosecutor; or
 30 (B) except as provided in subsection (d), a senior prosecuting
 31 attorney.
 32 (d) A senior prosecuting attorney may be appointed in the county in
 33 which the senior prosecuting attorney previously served if the court
 34 finds that an appointment under this subsection would not create the
 35 appearance of impropriety.
 36 (e) A person appointed to serve as a special prosecutor has the same
 37 powers as the prosecuting attorney of the county. However, the
 38 appointing judge shall limit scope of the special prosecutor's duties to
 39 include only the investigation or prosecution of a particular case. ~~or~~
 40 ~~particular grand jury investigation.~~
 41 (f) The court shall establish the length of the special prosecutor's
 42 term. If the target of an investigation by the special prosecutor is a



1 public servant (as defined in IC 35-31.5-2-261), the court shall order
 2 the special prosecutor to file a report of the investigation with the court
 3 at the conclusion of the investigation. The report is a public record.

4 (g) If the special prosecutor is not regularly employed as a full-time
 5 prosecuting attorney or full-time deputy prosecuting attorney, the
 6 compensation for the special prosecutor's services:

7 (1) shall be paid to the special prosecutor from the unappropriated
 8 funds of the appointing county; and

9 (2) may not exceed:

10 (A) an hourly rate based upon the regular salary of a full-time
 11 prosecuting attorney of the appointing circuit;

12 (B) travel expenses and reasonable accommodation expenses
 13 actually incurred; and

14 (C) other reasonable expenses actually incurred, including the
 15 costs of investigation, discovery, and secretarial work, if:

16 (i) before incurring the other reasonable expenses described
 17 in this clause, the special prosecutor submits an application
 18 to the court to receive the other reasonable expenses; and

19 (ii) the court approves the expenses.

20 The amount of compensation a special prosecutor receives for services
 21 performed during a calendar day under subdivision (2)(A) may not
 22 exceed the amount of compensation a full-time prosecuting attorney
 23 would receive in salary for the calendar day.

24 (h) If the special prosecutor is regularly employed as a full-time
 25 prosecuting attorney or deputy prosecuting attorney, the compensation
 26 for the special prosecutor's services:

27 (1) shall be paid out of the appointing county's unappropriated
 28 funds to the treasurer of the county in which the special
 29 prosecutor regularly serves; and

30 (2) must include a per diem equal to the regular salary of a
 31 full-time prosecuting attorney of the appointing circuit, travel
 32 expenses, and reasonable accommodation expenses actually
 33 incurred.

34 (i) The combination of:

35 (1) the compensation paid to a senior prosecuting attorney under
 36 this chapter; and

37 (2) retirement benefits that the person appointed as a senior
 38 prosecuting attorney is receiving or entitled to receive;

39 may not exceed the minimum compensation to which a full-time
 40 prosecuting attorney is entitled under IC 33-39-6-5.

41 (j) A senior prosecuting attorney appointed under this chapter may
 42 not be compensated as senior prosecuting attorney for more than one



1 hundred (100) calendar days in total during a calendar year if the senior
 2 prosecuting attorney receives retirement benefits during the calendar
 3 year. However, if the senior prosecuting attorney does not receive
 4 retirement benefits during a calendar year, the senior prosecuting
 5 attorney may be compensated as a senior prosecuting attorney for not
 6 more than two hundred (200) calendar days in total during the calendar
 7 year.

8 SECTION 72. IC 33-40-2-1 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Upon a
 10 determination by the judge of any court having criminal jurisdiction
 11 that:

12 (1) the court is unable within a reasonable time to appoint an
 13 available attorney, public defender or otherwise, who is
 14 competent in the practice of law in criminal cases as legal counsel
 15 for any person charged in the court with a criminal offense and
 16 who does not have sufficient means to employ an attorney; or

17 (2) in the interest of justice an attorney from another judicial
 18 circuit, not regularly practicing in the court, should be appointed
 19 to defend the indigent defendant or appeal the defendant's case,
 20 but the judge is unable within a reasonable time to provide for the
 21 direct appointment of an attorney;

22 the judge may make written request to the state public defender to
 23 provide a qualified attorney for the defense of the indigent person.

24 (b) The judge shall attach to the written request a copy of the
 25 affidavit or ~~indictment~~, **information** and state in the request the
 26 amount of the applicable minimum fee to be paid for the legal services
 27 of defense counsel in the case, subject to:

28 (1) any additional amount reasonable under all the circumstances
 29 of the case, to be determined and approved by the judge upon the
 30 final determination of the case; and

31 (2) reasonable partial allowances as may be approved and ordered
 32 by the judge pending final determination.

33 SECTION 73. IC 33-40-7-10 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) This chapter
 35 does not prevent a court from appointing counsel other than counsel
 36 provided for under the board's plan for providing defense services to an
 37 indigent person when the interests of justice require. A court may also
 38 appoint counsel to assist counsel provided for under the board's plan as
 39 co-counsel when the interests of justice require. Expenditures by a
 40 county for defense services not provided under the county public
 41 defender board's plan are not subject to reimbursement from the public
 42 defense fund under IC 33-40-6.



1 (b) A judge of a court having criminal jurisdiction may make a
 2 written request to the state public defender to provide a qualified
 3 attorney for the defense of a person charged in the court with a criminal
 4 offense and eligible for representation at public expense if the judge
 5 determines:

6 (1) that an attorney provided under the county public defender
 7 board's plan is not qualified or available to represent the person;

8 or

9 (2) that in the interests of justice an attorney other than the
 10 attorney provided for by the county defender board's plan should
 11 be appointed.

12 The judge shall attach to the request a copy of the information. ~~or~~
 13 ~~indictment~~. Expenditures for representation under this subsection shall
 14 be paid by the county according to a fee schedule approved by the
 15 commission. These expenditures are eligible for reimbursement from
 16 the public defense fund.

17 SECTION 74. IC 34-25.5-5-1 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as
 19 provided in subsection (b), the court or judge shall not inquire into the
 20 legality of any judgment or process by which the party is in custody, or
 21 discharge the party when the term of commitment has not expired in
 22 any of the following cases:

23 (1) Upon process issued by any court or judge of the United States
 24 where the court or judge has exclusive jurisdiction.

25 (2) Upon any process issued on a final judgment of a court of
 26 competent jurisdiction.

27 (3) For any contempt of any court, officer, or body with authority
 28 to commit.

29 (4) Upon a warrant issued from the circuit court upon an
 30 ~~indictment~~ or information.

31 (b) Subsection (a)(1), (a)(2), and (a)(3) do not include an order of
 32 commitment, as for contempt, upon proceedings to enforce the remedy
 33 of a party.

34 SECTION 75. IC 35-31.5-2-323 IS REPEALED [EFFECTIVE
 35 JULY 1, 2014]. ~~Sec. 323: "Target", for purposes of IC 35-34-2, has the~~
 36 ~~meaning set forth in IC 35-34-2-1.~~

37 SECTION 76. IC 35-33-2-1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) ~~Except as~~
 39 ~~provided in chapter 4 of this article, whenever an indictment is filed~~
 40 ~~and the defendant has not been arrested or otherwise brought within the~~
 41 ~~eustody of the court, the court, without making a determination of~~
 42 ~~probable cause, shall issue a warrant for the arrest of the defendant.~~



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(b) (a) Whenever an information is filed and the defendant has not been arrested or otherwise brought within the custody of the court, the court shall issue a warrant for the arrest of the defendant after first determining that probable cause exists for the arrest.

- (c) (b) No warrant for arrest of a person may be issued until
 - (1) an indictment has been found charging him with the commission of an offense; or
 - (2) a judge has determined that probable cause exists that the person committed a crime and an information has been filed charging him the person with a crime.

SECTION 77. IC 35-33-2-2, AS AMENDED BY P.L.2-2005, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A warrant of arrest shall:

- (1) be in writing;
- (2) specify the name of the person to be arrested, or if his the person's name is unknown, shall designate such person by any name or description by which he the person can be identified with reasonable certainty;
- (3) set forth the nature of the offense for which the warrant is issued;
- (4) state the date and county of issuance;
- (5) be signed by the clerk or the judge of the court with the title of his the clerk's or judge's office;
- (6) command that the person against whom the indictment or information was filed be arrested and brought before the court issuing the warrant, without unnecessary delay;
- (7) specify the amount of bail, if any; and
- (8) be directed to the sheriff of the county.

(b) An arrest warrant may be in substantially the following form:

TO: _____
 You are hereby commanded to arrest _____ forthwith, and hold that person to bail in the sum of _____ dollars, to answer in the _____ Court of _____ County, in the State of Indiana, an information or indictment for _____.

And for want of bail commit him the person to the jail of the County, and thereafter without unnecessary delay to bring him the person before the said court.

IN WITNESS WHEREOF, I, _____ (Clerk/Judge) of said Court, hereto affix the seal thereof, and subscribe my name at _____ this _____ day of _____ A.D. 20__.

 Clerk or Judge of the Court



1 SECTION 78. IC 35-33-2-3, AS AMENDED BY P.L.201-2011,
2 SECTION 110, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The warrant is issued to the
4 sheriff of the county where the ~~indictment~~ or information is filed. This
5 warrant may be served or arrests on it made:

- 6 (1) by any law enforcement officer;
7 (2) on any day of the week; and
8 (3) at any time of the day or night.

9 (b) A law enforcement officer may break open any outer or inner
10 door or window in order to execute an arrest warrant, if the officer is
11 not admitted following an announcement of the officer's authority and
12 purpose.

13 (c) The accused person shall be delivered to the sheriff of the county
14 in which the ~~indictment~~ or information was filed, and the sheriff shall
15 commit the accused person to jail or hold the accused person to bail as
16 provided in this article.

17 (d) A person or persons whose property is wrongfully damaged or
18 whose person is wrongfully injured by any law enforcement officer or
19 officers who wrongfully enter may recover such damage from the
20 responsible authority and the law enforcement officer or officers as the
21 court may determine. The action may be filed in the circuit court or
22 superior court in the county where the wrongful entry took place.

23 SECTION 79. IC 35-33-2-5 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. When an information
25 or ~~indictment~~ has been dismissed, the court shall order the sheriff to
26 make a return on any outstanding arrest warrant or summons issued
27 regarding a charge stating that the charge has been dismissed. The
28 sheriff shall notify any law enforcement officer to whom the arrest
29 warrant or summons has been delivered that it has been revoked.

30 SECTION 80. IC 35-33-4-1, AS AMENDED BY P.L.2-2005,
31 SECTION 116, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) When an ~~indictment~~ or
33 information is filed against a person charging ~~him~~ **the person** with a
34 misdemeanor, the court may, in lieu of issuing an arrest warrant under
35 IC 35-33-2, issue a summons. The summons must set forth
36 substantially the nature of the offense, and command the accused
37 person to appear before the court at a stated time and place. However,
38 the date set by the court must be at least seven (7) days after the
39 issuance of the summons. The summons may be served in the same
40 manner as the summons in a civil action.

41 (b) If the person summoned fails, without good cause, to appear as
42 commanded by the summons and the court has determined that there



1 is probable cause to believe that a crime (other than failure to appear)
2 has been committed, the court shall issue a warrant of arrest.

3 (c) If, after issuing a summons, the court:
4 (1) is satisfied that the person will not appear as commanded by
5 the summons; and
6 (2) has determined that there is probable cause that a crime (other
7 than failure to appear) has been committed;
8 it may at once issue a warrant of arrest.

9 (d) The summons may be in substantially the following form:
10 STATE OF INDIANA) IN THE _____ COURT
11)
12 vs.) OF _____ COUNTY
13)
14)
15 Defendant) CAUSE NO. _____

16 SUMMONS
17 THE STATE OF INDIANA TO
18 THE ABOVE NAMED DEFENDANT:
19 YOU ARE HEREBY SUMMONED, to appear before the above
20 designated Court at _____, _____, _____ at _____ .m. on (day)
21 _____, _____, 20____, with respect to an information ~~or indictment~~
22 for _____.

23 If you do not so appear, an application may be made for the Issuance
24 of a Warrant for your arrest.

25 ISSUED: _____,
26 20____
27 in
28 (City or County) _____, _____
29 BY THE CLERK OF SAID COURT:
30 _____
31 CLERK

32 (e) When any law enforcement officer in the state serves a summons
33 on a person, ~~he~~ **the officer** shall file a return of service with the court
34 issuing the summons. The return shall be in substantially the following
35 form:

36 RETURN OF SERVICE
37 I hereby certify that I served this summons upon the above named
38 defendant by delivering a copy of it and of the Information to the
39 defendant personally or by certified mail return receipt requested, on
40 _____, 20____, at _____, _____.
41 DATED: _____, 20____.
42 (Signature) _____



1 (h) When any law enforcement officer issues a summons and
2 promise to appear, ~~he~~ **the officer** shall:

3 (1) promptly file the summons and promise to appear and the
4 certificate of service with the court designated in the summons
5 and promise to appear; and

6 (2) provide the prosecuting attorney with a copy thereof.

7 SECTION 81. IC 35-33-7-3 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) When a person
9 is arrested for a crime before a formal charge has been filed, an
10 information ~~or indictment~~ shall be filed or be prepared to be filed at or
11 before the initial hearing, unless the prosecuting attorney has informed
12 the court that there will be no charges filed in the case.

13 (b) If the prosecuting attorney states that more time is required to
14 evaluate the case and determine whether a charge should be filed, or if
15 it is necessary to transfer the person to another court, then the court
16 shall recess or continue the initial hearing for up to seventy-two (72)
17 hours, excluding intervening Saturdays, Sundays, and legal holidays.

18 (c) Before recessing the initial hearing and after the ex parte
19 probable cause determination has been made, the court shall inform a
20 defendant charged with a felony of the rights specified in ~~subdivisions~~
21 ~~(1), (2), (3), (4), and (5)~~ of section ~~5~~ **5(1) through 5(5)** of this chapter.

22 SECTION 82. IC 35-33-8-3.2, AS AMENDED BY P.L.35-2012,
23 SECTION 107, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2014]: Sec. 3.2. (a) A court may admit a
25 defendant to bail and impose any of the following conditions to assure
26 the defendant's appearance at any stage of the legal proceedings, or,
27 upon a showing of clear and convincing evidence that the defendant
28 poses a risk of physical danger to another person or the community, to
29 assure the public's physical safety:

30 (1) Require the defendant to:

31 (A) execute a bail bond with sufficient solvent sureties;

32 (B) deposit cash or securities in an amount equal to the bail;

33 (C) execute a bond secured by real estate in the county, where
34 thirty-three hundredths (0.33) of the true tax value less
35 encumbrances is at least equal to the amount of the bail;

36 (D) post a real estate bond; or

37 (E) perform any combination of the requirements described in
38 clauses (A) through (D).

39 If the court requires the defendant to deposit cash or cash and
40 another form of security as bail, the court may require the
41 defendant and each person who makes the deposit on behalf of the
42 defendant to execute an agreement that allows the court to retain



1 all or a part of the cash to pay publicly paid costs of
 2 representation and fines, costs, fees, and restitution that the court
 3 may order the defendant to pay if the defendant is convicted. The
 4 defendant must also pay the fee required by subsection (d).

5 (2) Require the defendant to execute:

6 (A) a bail bond by depositing cash or securities with the clerk
 7 of the court in an amount not less than ten percent (10%) of
 8 the bail; and

9 (B) an agreement that allows the court to retain all or a part of
 10 the cash or securities to pay fines, costs, fees, and restitution
 11 that the court may order the defendant to pay if the defendant
 12 is convicted.

13 A portion of the deposit, not to exceed ten percent (10%) of the
 14 monetary value of the deposit or fifty dollars (\$50), whichever is
 15 the lesser amount, may be retained as an administrative fee. The
 16 clerk shall also retain from the deposit under this subdivision
 17 fines, costs, fees, and restitution as ordered by the court, publicly
 18 paid costs of representation that shall be disposed of in
 19 accordance with subsection (b), and the fee required by
 20 subsection (d). In the event of the posting of a real estate bond,
 21 the bond shall be used only to insure the presence of the
 22 defendant at any stage of the legal proceedings, but shall not be
 23 foreclosed for the payment of fines, costs, fees, or restitution. The
 24 individual posting bail for the defendant or the defendant
 25 admitted to bail under this subdivision must be notified by the
 26 sheriff, court, or clerk that the defendant's deposit may be
 27 forfeited under section 7 of this chapter or retained under
 28 subsection (b).

29 (3) Impose reasonable restrictions on the activities, movements,
 30 associations, and residence of the defendant during the period of
 31 release.

32 (4) Except as provided in section 3.6 of this chapter, require the
 33 defendant to refrain from any direct or indirect contact with an
 34 individual and, if the defendant has been charged with an offense
 35 under IC 35-46-3, any animal belonging to the individual,
 36 including if the defendant has not been released from lawful
 37 detention.

38 (5) Place the defendant under the reasonable supervision of a
 39 probation officer, pretrial services agency, or other appropriate
 40 public official. If the court places the defendant under the
 41 supervision of a probation officer or pretrial services agency, the
 42 court shall determine whether the defendant must pay the pretrial



1 services fee under section 3.3 of this chapter.

2 (6) Release the defendant into the care of a qualified person or
3 organization responsible for supervising the defendant and
4 assisting the defendant in appearing in court. The supervisor shall
5 maintain reasonable contact with the defendant in order to assist
6 the defendant in making arrangements to appear in court and,
7 where appropriate, shall accompany the defendant to court. The
8 supervisor need not be financially responsible for the defendant.

9 (7) Release the defendant on personal recognizance unless:

10 (A) the state presents evidence relevant to a risk by the
11 defendant:

12 (i) of nonappearance; or

13 (ii) to the physical safety of the public; and

14 (B) the court finds by a preponderance of the evidence that the
15 risk exists.

16 (8) Require a defendant charged with an offense under IC 35-46-3
17 to refrain from owning, harboring, or training an animal.

18 (9) Impose any other reasonable restrictions designed to assure
19 the defendant's presence in court or the physical safety of another
20 person or the community.

21 (b) Within thirty (30) days after disposition of the charges against
22 the defendant, the court that admitted the defendant to bail shall order
23 the clerk to remit the amount of the deposit remaining under subsection
24 (a)(2) to the defendant. The portion of the deposit that is not remitted
25 to the defendant shall be deposited by the clerk in the supplemental
26 public defender services fund established under IC 33-40-3.

27 (c) For purposes of subsection (b), "disposition" occurs when the
28 ~~indictment~~ or information is dismissed or the defendant is acquitted or
29 convicted of the charges.

30 (d) Except as provided in subsection (e), the clerk of the court shall:

31 (1) collect a fee of five dollars (\$5) from each bond or deposit
32 required under subsection (a)(1); and

33 (2) retain a fee of five dollars (\$5) from each deposit under
34 subsection (a)(2).

35 The clerk of the court shall semiannually remit the fees collected under
36 this subsection to the board of trustees of the Indiana public retirement
37 system for deposit in the special death benefit fund. The fee required
38 by subdivision (2) is in addition to the administrative fee retained under
39 subsection (a)(2).

40 (e) With the approval of the clerk of the court, the county sheriff
41 may collect the bail posted under this section. The county sheriff shall
42 remit the bail to the clerk of the court by the following business day



1 and remit monthly the five dollar (\$5) special death benefit fee to the
2 county auditor.

3 (f) When a court imposes a condition of bail described in subsection
4 (a)(4):

5 (1) the clerk of the court shall comply with IC 5-2-9; and

6 (2) the prosecuting attorney shall file a confidential form
7 prescribed or approved by the division of state court
8 administration with the clerk.

9 SECTION 83. IC 35-33-8-4, AS AMENDED BY P.L.171-2011,
10 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2014]: Sec. 4. (a) The court shall order the amount in which
12 a person charged by an indictment or information is to be held to bail,
13 and the clerk shall enter the order on the order book and indorse the
14 amount on each warrant when issued. If no order fixing the amount of
15 bail has been made, the sheriff shall present the warrant to the judge of
16 an appropriate court of criminal jurisdiction, and the judge shall
17 indorse on the warrant the amount of bail.

18 (b) Bail may not be set higher than that amount reasonably required
19 to assure the defendant's appearance in court or to assure the physical
20 safety of another person or the community if the court finds by clear
21 and convincing evidence that the defendant poses a risk to the physical
22 safety of another person or the community. In setting and accepting an
23 amount of bail, the judicial officer shall take into account all facts
24 relevant to the risk of nonappearance, including:

25 (1) the length and character of the defendant's residence in the
26 community;

27 (2) the defendant's employment status and history and ~~his~~ **the**
28 **defendant's** ability to give bail;

29 (3) the defendant's family ties and relationships;

30 (4) the defendant's character, reputation, habits, and mental
31 condition;

32 (5) the defendant's criminal or juvenile record, insofar as it
33 demonstrates instability and a disdain for the court's authority to
34 bring ~~him~~ **the defendant** to trial;

35 (6) the defendant's previous record in not responding to court
36 appearances when required or with respect to flight to avoid
37 criminal prosecution;

38 (7) the nature and gravity of the offense and the potential penalty
39 faced, insofar as these factors are relevant to the risk of
40 nonappearance;

41 (8) the source of funds or property to be used to post bail or to pay
42 a premium, insofar as it affects the risk of nonappearance;



1 (9) that the defendant is a foreign national who is unlawfully
 2 present in the United States under federal immigration law; and
 3 (10) any other factors, including any evidence of instability and
 4 a disdain for authority, which might indicate that the defendant
 5 might not recognize and adhere to the authority of the court to
 6 bring ~~him~~ **the defendant** to trial.

7 SECTION 84. IC 35-33-8.5-6 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. When any person is
 9 ~~indicted~~ **named in an information** for murder, the court in which the
 10 ~~indictment information~~ is pending, upon motion, upon application by
 11 writ of habeas corpus, may admit the defendant to bail when it appears
 12 upon examination that the defendant is entitled to be let to bail.

13 SECTION 85. IC 35-33-10-2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) When an
 15 ~~indictment~~ **or** information is pending against a defendant confined in
 16 this state under a judgment or court order, the court with jurisdiction
 17 over the pending criminal action shall, after application by the
 18 prosecuting attorney, order that the defendant be produced before the
 19 court for prosecution. The defendant shall not be entitled to release
 20 pending trial on the ~~indictment~~ **or** information. The court may order
 21 that the defendant be surrendered to the sheriff of the county in which
 22 the court issuing the order is located. The court may order the sheriff
 23 to convey the defendant from the institution and commit the defendant
 24 to the jail or to another place of custody specified in the order. If the
 25 proceeding is delayed, the court may order the defendant returned
 26 temporarily to the institution until the presence of the defendant before
 27 the court is required.

28 (b) When an ~~indictment~~ **or** information is pending against a
 29 defendant:

30 (1) confined in an institution within this state pending trial for
 31 another offense; or

32 (2) who has been released by order of another court pending trial
 33 before that court for another offense;

34 the court shall, upon motion of the prosecuting attorney, issue a warrant
 35 of detainer to the court before which the other prosecution is pending.
 36 The court to which the order of detainer is issued, shall, upon
 37 termination of the proceedings before the court, deliver custody of the
 38 defendant to the sheriff of the county in which the court issuing the
 39 warrant is situated. Upon delivery, the court shall return the warrant to
 40 the court of issuance showing such fact. A duplicate copy of the return
 41 shall be served upon the prosecuting attorney who requested the
 42 issuance of the warrant.



1 SECTION 86. IC 35-33-10-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. Securing Attendance
 3 of Defendant Confined in Federal Institutions. (1) A defendant against
 4 whom a criminal action is pending in a court of record of this state, and
 5 who is confined in a federal prison or other institution either within or
 6 outside this state, may, with the consent of the attorney general of the
 7 United States, be produced in such court for the purpose of criminal
 8 prosecution, pursuant to the provisions of:

9 (a) Section four thousand eighty-five of title eighteen of the
 10 United States Code as in effect on July 26, 1973; or

11 (b) subsection 2 of this section.

12 (2) When such a defendant is in federal custody as specified in
 13 subsection (1), a court in which the criminal action against such
 14 defendant is pending, may, upon application of the prosecuting attorney
 15 of such county, issue a certificate, known as a writ of habeas corpus ad
 16 prosequendum, addressed to the attorney general of the United States,
 17 certifying that such defendant has been charged by ~~indictment or~~
 18 information filed against ~~him the defendant~~ in the specified court with
 19 the offense or offenses alleged therein, and that attendance of the
 20 defendant in such court for the purpose of criminal prosecution thereon
 21 is necessary in the interest of justice and requesting the attorney
 22 general of the United States to cause such defendant to be produced in
 23 such court, under custody of a federal public servant, upon a designated
 24 date and for a period of time necessary to complete the prosecution.
 25 Upon issuing such a certificate, the court may deliver it, or cause or
 26 authorize it to be delivered, together with a certified copy of the
 27 ~~indictment or~~ information upon which it is based, to the attorney
 28 general of the United States or to ~~his the attorney general's~~
 29 representative authorized to entertain the request.

30 SECTION 87. IC 35-33-10-6 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Securing Attendance
 32 of Defendants Who Are Outside The United States. (1) When a
 33 criminal action for a crime committed in this state is pending in a court
 34 of this state with jurisdiction over the crime against a defendant who is
 35 in a foreign country with which the United States has an extradition
 36 treaty, and when the ~~indictment or~~ information charges a crime which
 37 is specified in such treaty as an extraditable one, the prosecuting
 38 attorney of the county in which such crime was allegedly committed
 39 may make an application to the governor, requesting ~~him the governor~~
 40 to make an application to the president of the United States to institute
 41 extradition proceedings for the return of the defendant to this country
 42 and state for the purpose of prosecution of such action. The prosecuting



1 attorney's application must comply with any rules, regulations, and
 2 guidelines established by the governor for such applications and must
 3 be accompanied by all the documents required by such rules,
 4 regulations, and guidelines.

5 (2) Upon receipt of the prosecuting attorney's application, the
 6 governor, if satisfied that the defendant is in the foreign country in
 7 question, that the crime charged is an extraditable one pursuant to the
 8 treaty in question, and that there are no factors or impediments which
 9 in law preclude such an extradition, may, in ~~his~~ **the governor's**
 10 discretion, make an application, addressed to the secretary of state of
 11 the United States, requesting that the president of the United States
 12 institute extradition proceedings for the return of the defendant from
 13 such foreign country. The governor's application must comply with any
 14 rules, regulations, and guidelines established by the secretary of state
 15 for such applications and must be accompanied by all the documents
 16 required by such rules, regulations, and guidelines.

17 (3) If the governor's application is granted and the extradition is
 18 achieved or attempted, all expenses incurred therein must be borne by
 19 the county from which the application emanated.

20 (4) The provisions of this section apply equally to extradition or
 21 attempted extradition of a person who is a fugitive following the entry
 22 of a judgment of conviction against ~~him~~ **the person** in a criminal court
 23 of this state.

24 SECTION 88. IC 35-33.5-5-3 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A law
 26 enforcement officer who has obtained knowledge under this article of
 27 the contents of an interception or of evidence derived from that
 28 interception may:

29 (1) disclose the contents to another law enforcement officer; or

30 (2) use the contents of the interception;

31 only to the extent that use or disclosure of the contents of the
 32 interception is appropriate to the proper performance of the official
 33 duties of the law enforcement officer.

34 (b) If a recorded interception is transcribed by order of a court or by
 35 a law enforcement agency, only that part of the interception that is
 36 relevant to the prosecution of a designated offense may be transcribed.

37 (c) A person, other than a law enforcement officer, who has
 38 received, by a means authorized by this article, information concerning
 39 an interception or evidence derived from an interception under this
 40 article may disclose the contents of the interception or evidence derived
 41 from the interception only while giving testimony under oath or
 42 affirmation in a criminal court proceeding. ~~or grand jury proceeding.~~



1 This subsection does not apply to a disclosure by a person of the
 2 contents of reports submitted under IC 35-33.5-2-4 and IC 35-33.5-2-5
 3 or to the contents of an interception or evidence derived from an
 4 interception that is either:

5 (1) maintained in the record of a court proceeding and made
 6 accessible to the public; or

7 (2) previously disclosed in a court proceeding that is open to the
 8 public.

9 (d) An otherwise privileged communication that is intercepted in
 10 accordance with or in violation of this article does not lose the
 11 communication's privileged character.

12 (e) When a law enforcement officer, while engaged in intercepting
 13 communications in a manner authorized by this article, intercepts
 14 communications relating to offenses other than those specified in the
 15 order of authorization, the contents of those interceptions, and evidence
 16 derived from those interceptions, may be disclosed or used as provided
 17 in subsections (a) and (c). The contents and evidence may be used
 18 under subsection (d) when authorized by the court upon a finding, on
 19 subsequent application, that the contents were otherwise intercepted in
 20 accordance with this article. A subsequent application shall be made as
 21 soon as practicable.

22 SECTION 89. IC 35-34-1-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) All prosecutions
 24 of crimes shall be brought in the name of the state of Indiana. ~~Any~~
 25 **Every** crime ~~may~~ **must** be charged by ~~indictment or~~ information.

26 (b) Except as provided in IC 12-15-23-6(d), all prosecutions of
 27 crimes shall be instituted by the filing of an information ~~or indictment~~
 28 by the prosecuting attorney, in a court with jurisdiction over the crime
 29 charged.

30 (c) Whenever an ~~indictment or~~ information is filed, the clerk of the
 31 court shall:

32 (1) mark the date of filing on the instrument;

33 (2) record it in a record book; and

34 (3) upon request, make a copy of it available to the defendant or
 35 **his the defendant's** attorney.

36 (d) The court, upon motion of the prosecuting attorney, may order
 37 that the ~~indictment or~~ information be sealed. If a court has sealed an
 38 ~~indictment or~~ information, no person may disclose the fact that an
 39 ~~indictment or~~ information is in existence or pending until the defendant
 40 has been arrested or otherwise brought within the custody of the court.
 41 However, any person may make any disclosure necessarily incident to
 42 the arrest of the defendant. A violation of this subsection is punishable



1 as a contempt.

2 SECTION 90. IC 35-34-1-2, AS AMENDED BY P.L.85-2013,
3 SECTION 115, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The ~~indictment or~~ information
5 shall be in writing and allege the commission of an offense by:

6 (1) stating the title of the action and the name of the court in
7 which the ~~indictment or~~ information is filed;

8 (2) stating the name of the offense in the words of the statute or
9 any other words conveying the same meaning;

10 (3) citing the statutory provision alleged to have been violated,
11 except that any failure to include such a citation or any error in
12 such a citation does not constitute grounds for reversal of a
13 conviction where the defendant was not otherwise misled as to the
14 nature of the charges against the defendant;

15 (4) setting forth the nature and elements of the offense charged in
16 plain and concise language without unnecessary repetition;

17 (5) stating the date of the offense with sufficient particularity to
18 show that the offense was committed within the period of
19 limitations applicable to that offense;

20 (6) stating the time of the offense as definitely as can be done if
21 time is of the essence of the offense;

22 (7) stating the place of the offense with sufficient particularity to
23 show that the offense was committed within the jurisdiction of the
24 court where the charge is to be filed;

25 (8) stating the place of the offense as definitely as can be done if
26 the place is of the essence of the offense; and

27 (9) stating the name of every defendant, if known, and if not
28 known, by designating the defendant by any name or description
29 by which ~~he~~ **the defendant** can be identified with reasonable
30 certainty.

31 (b) ~~An indictment shall be signed by:~~

32 ~~(1) the foreman or five (5) members of the grand jury; and~~

33 ~~(2) the prosecuting attorney or his deputy.~~

34 An information shall be signed by the prosecuting attorney or ~~his~~
35 deputy and sworn to or affirmed by ~~him~~ **the prosecuting attorney** or
36 any other person.

37 (c) An ~~indictment or~~ information shall have stated upon it the names
38 of all the material witnesses. Other witnesses may afterwards be
39 subpoenaed by the state, but unless the name of a witness is stated on
40 the ~~indictment or~~ information, no continuance shall be granted to the
41 state due to the absence of the witness.

42 (d) The indictment or information shall be a plain, concise, and



1 definite written statement of the essential facts constituting the offense
 2 charged. It need not contain a formal commencement, a formal
 3 conclusion, or any other matter not necessary to the statement.
 4 Presumptions of law and matters of which judicial notice is taken need
 5 not be stated.

6 (e) The ~~indictment~~ **information** may be substantially in the
 7 following form:

8 IN THE _____ COURT OF INDIANA, 20 ____

9 STATE OF INDIANA

10 vs. CAUSE NUMBER _____

11 A _____ B _____

12 The grand jury of the county of _____ upon their oath or
 13 affirmation do present **CD, being duly sworn under oath or having**
 14 **affirmed, says** that AB, on the _____ day of _____ 20 ____
 15 at the county of _____ in the state of Indiana (HERE SET FORTH
 16 THE OFFENSE CHARGED).

17 (f) The information may be substantially in the same form as the
 18 indictment, substituting for the words, "the grand jury of the county of
 19 _____, upon their oath or affirmation so present" the following:
 20 "CD, being duly sworn on his oath or having affirmed, says." It is not
 21 necessary in an information to state the reason why the proceeding is
 22 by information rather than indictment.

23 (g) (f) This section applies to a traffic offense (as defined in
 24 IC 9-13-2-183) if the traffic offense is:

25 (1) a felony; or

26 (2) a misdemeanor.

27 SECTION 91. IC 35-34-1-2.4, AS AMENDED BY P.L.126-2012,
 28 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2014]: Sec. 2.4. (a) If an ~~indictment~~, information, pleading,
 30 motion, petition, probable cause affidavit, or other document is
 31 required to be verified or sworn under oath before it is submitted to the
 32 court in a criminal action, the document meets the requirements of the
 33 law as a sworn document if the following form or a substantially
 34 similar form is used:

35 I swear (affirm), under penalty of perjury as specified by
 36 IC 35-44.1-2-1, that the foregoing (the following) representations
 37 are true.

38 Signed _____

39 (b) If a document complies with subsection (a), the swearing or
 40 affirming need not be done before a notary or other officer empowered
 41 to administer oaths.

42 (c) A person who makes a false affirmation or verification under this



1 section may be prosecuted under IC 35-44.1-2-1.

2 SECTION 92. IC 35-34-1-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. When an ~~indictment~~
4 ~~or~~ information which has been returned or presented to a court as
5 authorized by law has become illegible or cannot be produced, the
6 defendant may be tried using a copy certified by the clerk of the court.

7 SECTION 93. IC 35-34-1-4 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The court may,
9 upon motion of the defendant, dismiss the ~~indictment or~~ information
10 upon any of the following grounds:

11 (1) The ~~indictment or~~ information, or any count thereof, is
12 defective under section 6 of this chapter.

13 (2) Misjoinder of offenses or parties defendant, or duplicity of
14 allegation in counts.

15 ~~(3) The grand jury proceeding was defective.~~

16 ~~(4)~~ (3) The ~~indictment or~~ information does not state the offense
17 with sufficient certainty.

18 ~~(5)~~ (4) The facts stated do not constitute an offense.

19 ~~(6)~~ (5) The defendant has immunity with respect to the offense
20 charged.

21 ~~(7)~~ (6) The prosecution is barred by reason of a previous
22 prosecution.

23 ~~(8)~~ (7) The prosecution is untimely brought.

24 ~~(9)~~ (8) The defendant has been denied the right to a speedy trial.

25 ~~(10)~~ (9) There exists some jurisdictional impediment to
26 conviction of the defendant for the offense charged.

27 ~~(11)~~ (10) Any other ground that is a basis for dismissal as a matter
28 of law.

29 (b) Except as otherwise provided, a motion under this section shall
30 be made no later than:

31 (1) twenty (20) days if the defendant is charged with a felony; or

32 (2) ten (10) days if the defendant is charged only with one (1) or
33 more misdemeanors;

34 prior to the omnibus date. A motion made thereafter may be summarily
35 denied if based upon a ground specified in ~~subdivision subsection~~
36 (a)(1), (a)(2), (a)(3), ~~or~~ (a)(4). ~~or (a)(5) of this section.~~ A motion to
37 dismiss based upon a ground specified in ~~subdivision subsection~~
38 ~~(a)(5), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10) or (a)(11) of this section~~
39 may be made or renewed at any time before or during trial. A motion
40 to dismiss based upon lack of jurisdiction over the subject matter may
41 be made at any time.

42 (c) Upon the motion to dismiss, a defendant who is in a position



1 adequately to raise more than one (1) ground in support thereof shall
 2 raise every ground upon which ~~he~~ **the defendant** intends to challenge
 3 the ~~indictment or~~ information. A subsequent motion based upon a
 4 ground not properly raised may be summarily denied. However, the
 5 court, in the interest of justice and for good cause shown, may entertain
 6 and dispose of such a motion on the merits.

7 (d) Upon the motion to dismiss, the court shall:

- 8 (1) overrule the motion to dismiss;
 9 (2) grant the motion to dismiss and discharge the defendant; or
 10 (3) grant the motion to dismiss and deny discharge of the
 11 defendant if the court determines that the ~~indictment or~~
 12 information may be cured by amendment under section 5 of this
 13 chapter and the prosecuting attorney has moved for leave to
 14 amend.

15 If the court grants the motion under subdivision (3) and grants the
 16 prosecuting attorney leave to amend, any prior order imposing
 17 conditions of release pending trial shall stand unless otherwise
 18 modified or removed by order of the court.

19 (e) If the court grants a motion under subsection (a)(3) and the
 20 prosecuting attorney informs the court on the record that the charges
 21 will be refiled within seventy-two (72) hours by information:

- 22 (1) the court may not discharge the defendant; and
 23 (2) any prior order concerning release pending trial remains in
 24 force unless it is modified or removed by the court.

25 (f) An order of dismissal does not, of itself, constitute a bar to a
 26 subsequent prosecution of the same crime or crimes except as
 27 otherwise provided by law.

28 SECTION 94. IC 35-34-1-5, AS AMENDED BY P.L.158-2013,
 29 SECTION 389, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2014]: Sec. 5.(a) An ~~indictment or~~ information
 31 which charges the commission of an offense may not be dismissed but
 32 may be amended on motion by the prosecuting attorney at any time
 33 because of any immaterial defect, including:

- 34 (1) any miswriting, misspelling, or grammatical error;
 35 (2) any misjoinder of parties defendant or offenses charged;
 36 (3) the presence of any unnecessary repugnant allegation;
 37 (4) the failure to negate any exception, excuse, or provision
 38 contained in the statute defining the offense;
 39 (5) the use of alternative or disjunctive allegations as to the acts,
 40 means, intents, or results charged;
 41 (6) any mistake in the name of the court or county in the title of
 42 the action, or the statutory provision alleged to have been



1 violated;

2 (7) the failure to state the time or place at which the offense was
3 committed where the time or place is not of the essence of the
4 offense;

5 (8) the failure to state an amount of value or price of any matter
6 where that value or price is not of the essence of the offense; or

7 (9) any other defect which does not prejudice the substantial
8 rights of the defendant.

9 (b) The ~~indictment~~ or information may be amended in matters of
10 substance and the names of material witnesses may be added, by the
11 prosecuting attorney, upon giving written notice to the defendant at any
12 time:

13 (1) up to:

14 (A) thirty (30) days if the defendant is charged with a felony;
15 or

16 (B) fifteen (15) days if the defendant is charged only with one
17 (1) or more misdemeanors;

18 before the omnibus date; or

19 (2) before the commencement of trial;

20 if the amendment does not prejudice the substantial rights of the
21 defendant. When the information or ~~indictment~~ is amended, it shall be
22 signed by the prosecuting attorney or a deputy prosecuting attorney.

23 (c) Upon motion of the prosecuting attorney, the court may, at any
24 time before, during, or after the trial, permit an amendment to the
25 ~~indictment~~ or information in respect to any defect, imperfection, or
26 omission in form which does not prejudice the substantial rights of the
27 defendant.

28 (d) Before amendment of any ~~indictment~~ or information other than
29 amendment as provided in subsection (b), the court shall give all
30 parties adequate notice of the intended amendment and an opportunity
31 to be heard. Upon permitting such amendment, the court shall, upon
32 motion by the defendant, order any continuance of the proceedings
33 which may be necessary to accord the defendant adequate opportunity
34 to prepare the defendant's defense.

35 (e) An amendment of an ~~indictment~~ or information to include a
36 habitual offender charge under IC 35-50-2-8 must be made at least
37 thirty (30) days before the commencement of trial. However, upon a
38 showing of good cause, the court may permit the filing of a habitual
39 offender charge at any time before the commencement of the trial if the
40 amendment does not prejudice the substantial rights of the defendant.
41 If the court permits the filing of a habitual offender charge less than
42 thirty (30) days before the commencement of trial, the court shall grant



1 a continuance at the request of the:

- 2 (1) state, for good cause shown; or
 3 (2) defendant, for any reason.

4 SECTION 95. IC 35-34-1-6 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) An indictment or
 6 information is defective when:

- 7 (1) it does not substantially conform to the requirements of
 8 section 2(a) of this chapter;
 9 (2) the allegations demonstrate that the court does not have
 10 jurisdiction of the offense charged; or
 11 (3) the statute defining the offense charged is unconstitutional or
 12 otherwise invalid.

13 (b) An information is defective if:

- 14 (1) the defendant was a grand jury target identified under
 15 IC 35-34-2-12(a)(1);
 16 (2) the offense alleged was identified on the record under
 17 IC 35-34-2-12(a)(2) as an offense that the defendant allegedly
 18 committed; and
 19 (3) the grand jury proceeded to deliberate on whether to issue an
 20 indictment, and voted not to indict the defendant for the offense
 21 identified on the record under IC 35-34-2-12(a)(2).

22 However, if the prosecuting attorney shows that there is newly
 23 discovered material evidence that was not presented to the grand jury
 24 before the grand jury's failure to indict, then the information is not
 25 defective.

26 (c) (b) Except as provided in section 5 of this chapter, an indictment
 27 or information or a count thereof shall be dismissed upon motion when
 28 it is defective.

29 SECTION 96. IC 35-34-1-7 IS REPEALED [EFFECTIVE JULY 1,
 30 2014]. Sec. 7. An indictment shall be dismissed upon motion when the
 31 grand jury proceeding which resulted in the indictment was conducted
 32 in violation of IC 35-34-2.

33 SECTION 97. IC 35-34-1-8 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A motion to
 35 dismiss an indictment or information under section 4 of this chapter
 36 shall be in writing. The prosecutor must be given reasonable notice of
 37 a motion to dismiss. If the motion is expressly or impliedly based upon
 38 the existence or occurrence of facts, the motion shall be accompanied
 39 by affidavits containing sworn allegations of these facts. The sworn
 40 allegations may be based upon personal knowledge of the affiant or
 41 upon information and belief, provided that if in the latter event the
 42 affiant discloses the sources of the information and the grounds for the



1 belief. If the motion is expressly or impliedly based upon the existence
2 of any question of law, the motion shall be accompanied by a
3 memorandum stating specifically the legal question in issue. The
4 defendant may also submit documentary evidence tending to support
5 the allegations of the motion.

6 (b) The prosecutor may:

7 (1) file with the court an answer denying or admitting any or all
8 of the allegations of the motion; and

9 (2) submit documentary evidence tending to refute the
10 allegations.

11 (c) After all papers of both parties have been filed, and after all
12 documentary evidence has been submitted, the court shall determine
13 whether, under subsections (d) and (e) of this section, a hearing is
14 necessary to resolve questions of fact.

15 (d) The court shall grant the motion without conducting a hearing
16 only if:

17 (1) the motion alleges a ground constituting a legal basis for the
18 motion under section 4 of this chapter;

19 (2) the ground, if expressly or impliedly based upon the existence
20 or occurrence of facts, is supported by sworn allegations of all
21 facts essential to support the motion; and

22 (3) the sworn allegations of fact essential to support the motion
23 are admitted as true by the prosecutor or are conclusively
24 established by documentary evidence.

25 (e) The court may deny the motion without conducting a hearing
26 only if:

27 (1) the motion does not allege a ground constituting a legal basis
28 for the motion under section 4 of this chapter;

29 (2) the motion is expressly or impliedly based upon the existence
30 or occurrence of facts, and the motion does not contain sworn
31 allegations supporting all the essential facts; or

32 (3) an allegation of fact essential to support the motion is
33 conclusively refuted by documentary evidence.

34 (f) If a hearing is necessary to resolve questions of fact, the court
35 shall conduct a hearing and make findings of fact essential to the
36 determination of the motion. The defendant has a right to be present
37 and represented by counsel at the hearing but may waive this right. The
38 defendant has the burden of proving by a preponderance of the
39 evidence every fact essential to support the motion.

40 SECTION 98. IC 35-34-1-9 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Two (2) or more
42 offenses may be joined in the same indictment or information, with



1 each offense stated in a separate count, when the offenses:

- 2 (1) are of the same or similar character, even if not part of a single
 3 scheme or plan; or
 4 (2) are based on the same conduct or on a series of acts connected
 5 together or constituting parts of a single scheme or plan.

6 (b) Two (2) or more defendants can be joined in the same
 7 indictment or information when:

- 8 (1) each defendant is charged with each offense included;
 9 (2) each of the defendants is charged as a conspirator or party to
 10 the commission of the offense and some of the defendants are also
 11 charged with one (1) or more offenses alleged to be in furtherance
 12 of the conspiracy or common scheme or plan; however, a party to
 13 the commission of an offense or conspirator need not be
 14 designated as such in the indictment or information; or
 15 (3) conspiracy is not charged and not all of the defendants are
 16 charged in each count, if it is alleged in the indictment or
 17 information that the offenses charged:

18 (A) were part of a common scheme or plan; or

19 (B) were so closely connected in respect to time, place, and
 20 occasion that it would be difficult to separate proof of one (1)
 21 charge from proof of the others.

22 SECTION 99. IC 35-34-1-10 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) When a
 24 defendant has been charged with two (2) or more offenses in two (2) or
 25 more indictments or informations and the offenses could be joined in
 26 the same indictment or information under section 9(a)(1) of this
 27 chapter, the court, upon motion of the defendant, may order that the
 28 indictments or informations be joined for trial. Such motion shall be
 29 made before commencement of trial on either of the offenses charged.

30 (b) When a defendant has been charged with two (2) or more
 31 offenses in two (2) or more indictments or informations and the
 32 offenses could have been joined in the same indictment or information
 33 under section ~~(9)(a)(2)~~ **9(a)(2)** of this chapter, the court, upon motion
 34 of the defendant or the prosecuting attorney, or on its own motion, shall
 35 join for trial all of such indictments or informations unless the court, in
 36 the interests of justice, orders that one (1) or more of such offenses
 37 shall be tried separately. Such motion shall be made before
 38 commencement of trial on either of the offenses charged.

39 (c) A defendant who has been tried for one (1) offense may
 40 thereafter move to dismiss an indictment or information for an offense
 41 which could have been joined for trial with the prior offenses under
 42 section 9 of this chapter. The motion to dismiss shall be made prior to



1 the second trial, and shall be granted if the prosecution is barred by
2 reason of the former prosecution.

3 (d) A defendant who has been sentenced on a plea of guilty to one
4 (1) offense may move to dismiss an ~~indictment~~ or information for a
5 related offense. The motion shall be granted if the plea of guilty was
6 entered on the basis of a plea agreement in which the prosecutor agreed
7 to seek or not to oppose dismissal of other related offenses or not to
8 prosecute other potential related offenses.

9 (e) Subject to the provisions of section 11(a) of this chapter, two (2)
10 or more offenses which are within the jurisdiction of the same court
11 and which could have been joined in one (1) prosecution constitute
12 related offenses.

13 SECTION 100. IC 35-34-1-11 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) Whenever two
15 (2) or more offenses have been joined for trial in the same ~~indictment~~
16 or information solely on the ground that they are of the same or similar
17 character, the defendant shall have a right to a severance of the
18 offenses. In all other cases the court, upon motion of the defendant or
19 the prosecutor, shall grant a severance of offenses whenever the court
20 determines that severance is appropriate to promote a fair
21 determination of the defendant's guilt or innocence of each offense
22 considering:

- 23 (1) the number of offenses charged;
24 (2) the complexity of the evidence to be offered; and
25 (3) whether the trier of fact will be able to distinguish the
26 evidence and apply the law intelligently as to each offense.

27 (b) Whenever two (2) or more defendants have been joined for trial
28 in the same ~~indictment~~ or information and one (1) or more defendants
29 move for a separate trial because another defendant has made an
30 out-of-court statement which makes reference to the moving defendant
31 but is not admissible as evidence against ~~him~~, **the moving defendant**,
32 the court shall require the prosecutor to elect:

- 33 (1) a joint trial at which the statement is not admitted into
34 evidence;
35 (2) a joint trial at which the statement is admitted into evidence
36 only after all references to the moving defendant have been
37 effectively deleted; or
38 (3) a separate trial for the moving defendant.

39 In all other cases, upon motion of the defendant or the prosecutor, the
40 court shall order a separate trial of defendants whenever the court
41 determines that a separate trial is necessary to protect a defendant's
42 right to a speedy trial or is appropriate to promote a fair determination



1 of the guilt or innocence of a defendant.

2 (c) The court may order the prosecutor to disclose in camera any
3 information concerning statements made by the defendants which the
4 prosecutor intends to introduce in evidence at the trial if this
5 information would assist the court in ruling on a motion for a separate
6 trial.

7 SECTION 101. IC 35-34-1-13 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) Upon motion of
9 the prosecuting attorney, the court shall order the dismissal of the
10 ~~indictment or~~ information. The motion may be made at any time before
11 sentencing and may be made on the record or in writing. The motion
12 shall state the reason for dismissal.

13 (b) In any case where an order sustaining a motion to dismiss would
14 otherwise constitute a bar to further prosecution of the crime charged,
15 unless the defendant objects to dismissal, the granting of the motion
16 does not bar a subsequent trial of the defendant on the offense charged.

17 SECTION 102. IC 35-34-1-14 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. In any ~~indictment~~
19 ~~or~~ information, an averment substantially in compliance with the
20 provisions of this section shall be sufficient.

21 (a) The age of the defendant or the victim need not be alleged,
22 except where the age of the defendant or the victim is an essential
23 element of the offense charged.

24 (b) Averments as to any money or bills or notes or postal orders
25 issued by any lawful authority and intended to pass and circulate as
26 money are sufficient to be alleged simply as money without further
27 identification.

28 (c) It is sufficient to describe a written instrument by any name or
29 designation by which it is usually known or to aver generally the
30 contents of such instrument.

31 (d) Averments of dates and numbers may be by words or figures or
32 both.

33 SECTION 103. IC 35-34-1-15 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) If the stated
35 name of the defendant in the ~~indictment or~~ information is incorrect:

36 (1) this defect shall not be a ground for dismissal of the
37 ~~indictment or~~ information; and

38 (2) any variance between the allegations and the proof of the
39 defendant's name shall not be considered material.

40 (b) If at any time during the proceedings the true name of the
41 defendant becomes known, the court shall order the ~~indictment or~~
42 information amended to show both the name by which the defendant



1 was first charged and the name later alleged to be true.

2 SECTION 104. IC 35-34-1-16 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) In an ~~indictment~~
4 ~~or~~ information for perjury, it is necessary to set forth only:

5 (1) the substance of the controversy or the matter in respect to
6 which the alleged offense was committed; and

7 (2) in what court or before whom the false statement was made.

8 It is not necessary to set forth any part of any record or proceeding, or
9 the commission or authority of the court or person before whom the
10 perjury was allegedly committed.

11 (b) In an ~~indictment or~~ information for perjury, in swearing to any
12 written instrument, it is necessary to set forth only that part of the
13 instrument alleged to have been falsely sworn to, and to negative the
14 same, with the name of the officer or court before whom the instrument
15 was sworn.

16 SECTION 105. IC 35-34-1-17 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. When an
18 instrument which is the subject of an ~~indictment or~~ information for
19 forgery has been destroyed, or is withheld by the act or procurement of
20 the defendant, and the fact of the destruction or withholding is alleged
21 in the ~~indictment or~~ information, and established at trial, the
22 misdescription of the instrument is immaterial.

23 SECTION 106. IC 35-34-1-18 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. The ~~indictment or~~
25 information for an offense which was committed upon or in relation to
26 any property belonging to partners, or to several joint owners, or
27 property which, when the offense was committed, was in possession of
28 a bailee or tenant, is sufficient if ~~it~~ **the information** alleges the
29 ownership of the property to be in the name of:

30 (1) the partnership or any partner;

31 (2) an owner;

32 (3) a bailor;

33 (4) a bailee; or

34 (5) a tenant.

35 SECTION 107. IC 35-34-1-19 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. The words used in
37 an ~~indictment or~~ information shall be construed using their ordinary
38 and common meaning, except words and phrases defined by law, which
39 are to be construed according to their legal meaning.

40 SECTION 108. IC 35-34-2 IS REPEALED [EFFECTIVE JULY 1,
41 2014]. (Grand Jury and Special Grand Jury).

42 SECTION 109. IC 35-35-2-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Pleadings in
2 criminal proceedings are:

- 3 ~~(1) an indictment;~~
4 ~~(2) (1) an information; and~~
5 ~~(3) (2) pleas of:~~
6 (A) not guilty;
7 (B) guilty; and
8 (C) guilty but mentally ill at the time of the crime.

9 Defenses and objections raised before trial which, before July 26, 1973,
10 could have been raised by a plea in abatement, a plea in bar, a
11 demurrer, a motion to quash, or any other plea not specifically allowed
12 under this subsection may be raised only by motion to dismiss or to
13 grant appropriate relief as provided in this title.

14 (b) Except as provided in this title, an application to the court for an
15 order must be by motion. A motion other than one made during a trial
16 or hearing must be in writing unless the court permits it to be made
17 orally. It must state the grounds upon which it is made and set forth the
18 relief or order sought. It may be supported by affidavit.

19 (c) Except as provided in this title, whenever the defendant files a
20 motion, the state may file an answer to that motion. If no answer is filed
21 by the state, all issues of fact and law raised by the motion stand at
22 issue and the court shall proceed.

23 SECTION 110. IC 35-36-2-2 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) At the trial of a
25 criminal case in which the defendant intends to interpose the defense
26 of insanity, evidence may be introduced to prove the defendant's sanity
27 or insanity at the time at which the defendant is alleged to have
28 committed the offense charged in the ~~indictment~~ or information.

29 (b) When notice of an insanity defense is filed, the court shall
30 appoint two (2) or three (3) competent disinterested psychiatrists,
31 psychologists endorsed by the state psychology board as health service
32 providers in psychology, or physicians, at least one (1) of whom must
33 be a psychiatrist, to examine the defendant and to testify at the trial.
34 This testimony shall follow the presentation of the evidence for the
35 prosecution and for the defense, including testimony of any medical
36 experts employed by the state or by the defense.

37 (c) If a defendant does not adequately communicate, participate, and
38 cooperate with the medical witnesses appointed by the court, after
39 being ordered to do so by the court, the defendant may not present as
40 evidence the testimony of any other medical witness:

- 41 (1) with whom the defendant adequately communicated,
42 participated, and cooperated; and



1 (2) whose opinion is based upon examinations of the defendant;
 2 unless the defendant shows by a preponderance of the evidence that the
 3 defendant's failure to communicate, participate, or cooperate with the
 4 medical witnesses appointed by the court was caused by the defendant's
 5 mental illness.

6 (d) The medical witnesses appointed by the court may be
 7 cross-examined by both the prosecution and the defense, and each side
 8 may introduce evidence in rebuttal to the testimony of such a medical
 9 witness.

10 SECTION 111. IC 35-36-4-2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) When a
 12 defendant files a notice of alibi, the prosecuting attorney shall file with
 13 the court and serve upon the defendant, or upon ~~his~~ **the defendant's**
 14 counsel, a specific statement containing:

15 (1) the date the defendant was alleged to have committed the
 16 crime; and

17 (2) the exact place where the defendant was alleged to have
 18 committed the crime;

19 that ~~he~~ **the prosecuting attorney** intends to present at trial. However,
 20 the prosecuting attorney need not comply with this requirement if ~~he~~
 21 **the prosecuting attorney** intends to present at trial the date and place
 22 listed in the ~~indictment or~~ information as the date and place of the
 23 crime.

24 (b) If a reply by the prosecuting attorney is required by subsection
 25 (a), ~~of this section~~ the prosecuting attorney shall serve such a statement
 26 upon the defendant, or ~~his~~ **the defendant's** counsel, within seven (7)
 27 days after the filing of the defendant's first notice of alibi.

28 (c) If the prosecuting attorney's statement to the defendant contains
 29 a date or place other than the date or place stated in the defendant's
 30 original statement, the defendant shall file a second statement of alibi
 31 if the defendant intends to produce at trial evidence of an alibi for the
 32 date or place contained in the prosecutor's statement. The defendant
 33 shall:

34 (1) file the second statement with the court; and

35 (2) serve the second statement upon the prosecuting attorney;
 36 within four (4) days after the filing of the prosecuting attorney's
 37 statement. The defendant's second statement must contain the same
 38 details required in the defendant's original statement.

39 SECTION 112. IC 35-36-4-3 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) If either the
 41 defendant or the prosecuting attorney fails to file or serve statements
 42 in accordance with section 2 of this chapter, the judge may extend the



1 time for filing.

2 (b) If at the trial it appears that the defendant has failed to file and
3 serve an original statement of alibi in accordance with section 1 of this
4 chapter, and if the defendant does not show good cause for **his the**
5 **defendant's** failure, then the court shall exclude evidence offered by
6 the defendant to establish an alibi.

7 (c) If at the trial it appears that the prosecuting attorney has failed
8 to file and serve **his the prosecuting attorney's** statement in
9 accordance with section 2(a) of this chapter, and if the prosecuting
10 attorney does not show good cause for **his the** failure, then the court
11 shall exclude evidence offered by the prosecuting attorney to show:

12 (1) that the defendant was at a place other than the place stated in
13 the information; ~~or indictment~~ and

14 (2) that the date was other than the date stated in the information.
15 ~~or indictment.~~

16 (d) If at the trial it appears that the defendant has failed to file and
17 serve a second statement in accordance with section 2(c) of this
18 chapter, and if the defendant does not show good cause for **his the**
19 failure, then the court shall exclude evidence offered by the defendant
20 to establish that:

21 (1) ~~he the defendant~~ was at a place other than the place specified
22 in the prosecuting attorney's statement; or

23 (2) the date was other than the date stated in the prosecuting
24 attorney's statement.

25 SECTION 113. IC 35-36-6-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. After a change of
27 venue, the cause shall be docketed and stand for trial. The court to
28 which the case has been venued shall proceed in all respects as if the
29 ~~indictment had been found and returned by a grand jury impaneled in~~
30 ~~that court, or as if the~~ information had been originally filed in that
31 court.

32 SECTION 114. IC 35-36-6-6 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. If on a new
34 prosecution a defendant is prosecuted for the offense in the court to
35 which the change of venue was taken, ~~a new indictment may be found,~~
36 ~~or~~ a new information may be filed and the case may be prosecuted to
37 final execution as if the offense had been committed in the county of
38 that court. However, the ~~indictment or~~ information in such a case must
39 state how the proceeding came into the court where the party elects to
40 be tried, and that ~~he the party~~ has elected to be tried in that county.

41 SECTION 115. IC 35-36-7-2 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A prosecuting



1 attorney may move to postpone the trial of a criminal cause because of
 2 the absence of a witness whose name is endorsed on the ~~indictment or~~
 3 information, if ~~he~~ **the prosecuting attorney** makes an official
 4 statement:

5 (1) containing the requirements of ~~subsections (b)(1) and (b)(2)~~
 6 ~~of section † section 1(b)(1) and 1(b)(2)~~ of this chapter;

7 (2) showing that the absence of the witness has not been procured
 8 by the act of the prosecuting attorney;

9 (3) stating the facts to which ~~he~~ **the prosecuting attorney**
 10 believes the witness will testify, and include a statement that ~~he~~
 11 **the prosecuting attorney** believes these facts to be true; and

12 (4) stating that the prosecuting attorney is unable to prove the
 13 facts specified in accordance with subdivision (3) through the use
 14 of any other witness whose testimony can be as readily procured.

15 Upon request of the defendant the court shall order that the prosecuting
 16 attorney's motion and official statement be made in writing.

17 (b) The trial may not be postponed if:

18 (1) after a motion by the prosecuting attorney because of the
 19 absence of a witness, the defendant admits that the absent witness
 20 would testify to the facts as alleged by the prosecuting attorney in
 21 **his the prosecuting attorney's** official statement in accordance
 22 with subsection (a)(3); or

23 (2) after a motion by the prosecuting attorney to postpone because
 24 of the absence of written or documentary evidence, the defendant
 25 admits that the written or documentary evidence exists.

26 SECTION 116. IC 35-36-8-3 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A pretrial hearing
 28 and pretrial conference, if one is necessary, may be held on the
 29 omnibus date or any other date that the court designates prior to the
 30 commencement of trial. The purpose of the pretrial hearing is to:

31 (1) consolidate hearings on pretrial motions and other requests to
 32 the maximum extent practicable;

33 (2) rule on the motions and requests and ascertain whether the
 34 case will be disposed of by guilty plea, jury trial, or bench trial;
 35 and

36 (3) make any other orders appropriate under the circumstances to
 37 expedite the proceedings.

38 (b) At the time of the pretrial hearing as provided under this section,
 39 or at any other time after the filing of the ~~indictment or~~ information and
 40 before the commencement of trial, the court, upon motion of any party
 41 or upon its own motion, may order conferences to consider any matters
 42 that will promote a fair and expeditious trial. The purpose of such a



1 conference shall be to consider any matters related to the disposition of
 2 the proceedings, including the simplification of the issues to be tried
 3 and the possibility of obtaining admissions of fact and of documents
 4 which will avoid unnecessary proof.

5 (c) At the conclusion of the conference the court shall prepare and
 6 file a memorandum of the matters agreed upon. Any admission made
 7 by the defendant or ~~his~~ **the defendant's** attorney at the conference may
 8 not be used against the defendant unless the admission is reduced to
 9 writing and signed by the defendant and ~~his~~ **the defendant's** attorney.

10 SECTION 117. IC 35-37-1-5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The following are
 12 good causes for challenge to any person called as a juror in any
 13 criminal trial:

14 (1) That the person was a member of the grand jury that found the
 15 indictment (**before grand juries were abolished**).

16 (2) That the person has formed or expressed an opinion as to the
 17 guilt or innocence of the defendant. However, such an opinion is
 18 subject to subsection (b).

19 (3) If the state is seeking a death sentence, that the person
 20 entertains such conscientious opinions as would preclude the
 21 person from recommending that the death penalty be imposed.

22 (4) That the person is related within the fifth degree to the person
 23 alleged to be the victim of the offense charged, to the person on
 24 whose complaint the prosecution was instituted, or to the
 25 defendant.

26 (5) That the person has served on a trial jury which was sworn in
 27 the same case against the same defendant, and which jury was
 28 discharged after hearing the evidence, or rendered a verdict which
 29 was set aside.

30 (6) That the person served as a juror in a civil case brought
 31 against the defendant for the same act.

32 (7) That the person has been subpoenaed in good faith as a
 33 witness in the case.

34 (8) That the person is a mentally incompetent person.

35 (9) That the person is an alien.

36 (10) That the person has been called to sit on the jury at the
 37 person's own solicitation or that of another.

38 (11) That the person is biased or prejudiced for or against the
 39 defendant.

40 (12) That the person does not have the qualifications for a juror
 41 prescribed by law.

42 (13) That, from defective sight or hearing, ignorance of the



1 English language, or other cause, the person is unable to
2 comprehend the evidence and the instructions of the court.

3 (14) That the person has a personal interest in the result of the
4 trial.

5 (15) If the person is not a member of the regular panel, that the
6 person has served on a jury within twelve (12) months
7 immediately preceding the trial.

8 (b) If a person called as a juror states that the person has formed or
9 expressed an opinion as to the guilt or innocence of the defendant, the
10 court or the parties shall proceed to examine the juror on oath as to the
11 grounds of the juror's opinion. If the juror's opinion appears to have
12 been founded upon reading newspaper statements, communications,
13 comments, reports, rumors, or hearsay, and if:

14 (1) the juror's opinion appears not to have been founded upon:

15 (A) conversation with a witness of the transaction;

16 (B) reading reports of a ~~witness~~ **witness's** testimony; or

17 (C) hearing a witness testify;

18 (2) the juror states on oath that the juror feels able,
19 notwithstanding the juror's opinion, to render an impartial verdict
20 upon the law and evidence; and

21 (3) the court is satisfied that the juror will render an impartial
22 verdict;

23 the court may admit the juror as competent to serve in the case.

24 SECTION 118. IC 35-37-3-1 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) If a witness, in
26 any hearing or trial occurring after an ~~indictment~~ or information has
27 been filed, refuses to answer any question or produce any item, the
28 court shall remove the jury, if one is present, and immediately conduct
29 a hearing on the witness's refusal. After such a hearing, the court shall
30 decide whether the witness is required to answer the question or
31 produce the item.

32 (b) If the prosecuting attorney has reason to believe that a witness
33 will refuse to answer a question or produce an item during any criminal
34 trial, the prosecuting attorney may submit the question or request to the
35 trial court. The court shall hold a hearing to determine if the witness
36 may refuse to answer the question or produce the item.

37 SECTION 119. IC 35-37-5-1 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this
39 chapter:

40 "State" includes any territory of the United States and the District of
41 Columbia.

42 "Subpoena" includes a summons in any state where a summons is



1 used in lieu of a subpoena.

2 "Witness" shall include a person whose testimony is desired in ~~any~~
3 ~~proceeding or investigation by a grand jury or in~~ a criminal action,
4 prosecution, or proceeding.

5 SECTION 120. IC 35-37-5-7 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. When:

7 (1) a criminal action is pending in a court of record of this state by
8 reason of an ~~indictment information~~ or affidavit; ~~or by reason of~~
9 ~~the commencement of a grand jury proceeding or investigation;~~

10 (2) there is reasonable cause to believe that a person confined in
11 a federal prison or other federal custody, either within or outside
12 this state, possesses information material to such criminal action;
13 and

14 (3) the attendance of such person as a witness in such action is
15 desired by a party;

16 the court may issue a certificate, known as a writ of habeas corpus ad
17 testificandum, addressed to the attorney general of the United States,
18 certifying all such facts and requesting the attorney general of the
19 United States to cause the attendance of such person as a witness in
20 such court for a specified number of days. Such a certificate may be
21 issued upon application of either the state or a defendant demonstrating
22 all facts specified in subdivision (1). Upon issuing such a certificate,
23 the court may deliver it, or cause or authorize it to be delivered, to the
24 attorney general of the United States or to ~~his the attorney general's~~
25 representative authorized to entertain the request.

26 SECTION 121. IC 35-38-4-2 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Appeals to the
28 supreme court or to the court of appeals, if the court rules so provide,
29 may be taken by the state in the following cases:

30 (1) From an order granting a motion to dismiss an ~~indictment or~~
31 ~~information.~~

32 (2) From an order or judgment for the defendant, upon ~~his the~~
33 ~~defendant's~~ motion for discharge because of delay of ~~his the~~
34 ~~defendant's~~ trial not caused by ~~his the defendant's~~ act, or upon
35 ~~his the defendant's~~ plea of former jeopardy, presented and ruled
36 upon prior to trial.

37 (3) From an order granting a motion to correct errors.

38 (4) Upon a question reserved by the state, if the defendant is
39 acquitted.

40 (5) From an order granting a motion to suppress evidence, if the
41 ultimate effect of the order is to preclude further prosecution.

42 (6) From any interlocutory order if the trial court certifies and the



1 court on appeal or a judge thereof finds on petition that:

2 (A) the appellant will suffer substantial expense, damage, or
3 injury if the order is erroneous and the determination thereof
4 is withheld until after judgment;

5 (B) the order involves a substantial question of law, the early
6 determination of which will promote a more orderly
7 disposition of the case; or

8 (C) the remedy by appeal after judgment is otherwise
9 inadequate.

10 SECTION 122. IC 35-40-4-2 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. "Accused" means
12 that an indictment or information charging a person with a crime or a
13 petition alleging that a child is a delinquent child has been filed.

14 SECTION 123. IC 35-40-4-7 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. "Public court
16 proceeding" means a hearing, an argument, or another matter scheduled
17 by and held before a trial court. The term does not include:

18 (1) a deposition;

19 (2) a lineup; or

20 ~~(3) a grand jury proceeding; or~~

21 ~~(4)~~ (3) any other procedure not held in the presence of a court
22 having jurisdiction.

23 SECTION 124. IC 35-41-4-2, AS AMENDED BY P.L.44-2013,
24 SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 407,
25 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as otherwise provided
27 in this section, a prosecution for an offense is barred unless it is
28 commenced:

29 (1) within five (5) years after the commission of the offense, in
30 the case of a Class B, Class C, or Class D felony (*for a crime*
31 *committed before July 1, 2014*) or a Level 3, Level 4, Level 5, or
32 *Level 6 felony (for a crime committed after June 30, 2014)*; or

33 (2) within two (2) years after the commission of the offense, in the
34 case of a misdemeanor.

35 (b) A prosecution for a Class B or Class C felony (*for a crime*
36 *committed before July 1, 2014*) or a Level 3, Level 4, or Level 5 felony
37 (*for a crime committed after June 30, 2014*) that would otherwise be
38 barred under this section may be commenced within one (1) year after
39 the earlier of the date on which the state:

40 (1) first discovers evidence sufficient to charge the offender with
41 the offense through DNA (deoxyribonucleic acid) analysis; or

42 (2) could have discovered evidence sufficient to charge the



- 1 offender with the offense through DNA (deoxyribonucleic acid)
 2 analysis by the exercise of due diligence.
- 3 (c) A prosecution for a Class A felony (*for a crime committed*
 4 *before July 1, 2014*) or a Level 1 felony or Level 2 felony (*for a crime*
 5 *committed after June 30, 2014*) may be commenced at any time.
- 6 (d) A prosecution for murder may be commenced:
 7 (1) at any time; and
 8 (2) regardless of the amount of time that passes between:
 9 (A) the date a person allegedly commits the elements of
 10 murder; and
 11 (B) the date the alleged victim of the murder dies.
- 12 (e) A prosecution for the following offenses is barred unless
 13 commenced before the date that the alleged victim of the offense
 14 reaches thirty-one (31) years of age:
 15 (1) IC 35-42-4-3(a) (Child molesting).
 16 (2) IC 35-42-4-5 (Vicarious sexual gratification).
 17 (3) IC 35-42-4-6 (Child solicitation).
 18 (4) IC 35-42-4-7 (Child seduction).
 19 (5) IC 35-46-1-3 (Incest).
- 20 (f) A prosecution for forgery of an instrument for payment of
 21 money, or for the uttering of a forged instrument, under IC 35-43-5-2,
 22 is barred unless it is commenced within five (5) years after the maturity
 23 of the instrument.
- 24 (g) If a complaint ~~indictment~~, or information is dismissed because
 25 of an error, defect, insufficiency, or irregularity, a new prosecution may
 26 be commenced within ninety (90) days after the dismissal even if the
 27 period of limitation has expired at the time of dismissal, or will expire
 28 within ninety (90) days after the dismissal.
- 29 (h) The period within which a prosecution must be commenced does
 30 not include any period in which:
 31 (1) the accused person is not usually and publicly resident in
 32 Indiana or so conceals himself or herself that process cannot be
 33 served;
 34 (2) the accused person conceals evidence of the offense, and
 35 evidence sufficient to charge the person with that offense is
 36 unknown to the prosecuting authority and could not have been
 37 discovered by that authority by exercise of due diligence; or
 38 (3) the accused person is a person elected or appointed to office
 39 under statute or constitution, if the offense charged is theft or
 40 conversion of public funds or bribery while in public office.
- 41 (i) For purposes of tolling the period of limitation only, a
 42 prosecution is considered commenced on the earliest of ~~these the~~



- 1 **following** dates:
- 2 (1) The date of filing of an indictment, information or complaint
- 3 before a court having jurisdiction.
- 4 (2) The date of issuance of a valid arrest warrant.
- 5 (3) The date of arrest of the accused person by a law enforcement
- 6 officer without a warrant, if the officer has authority to make the
- 7 arrest.
- 8 (j) A prosecution is considered timely commenced for any offense
- 9 to which the defendant enters a plea of guilty, notwithstanding that the
- 10 period of limitation has expired.
- 11 (k) The following apply to the specified offenses:
- 12 (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of
- 13 funeral trust funds) is barred unless commenced within five (5)
- 14 years after the date of death of the settlor (as described in
- 15 IC 30-2-9).
- 16 (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse
- 17 of funeral trust funds) is barred unless commenced within five (5)
- 18 years after the date of death of the settlor (as described in
- 19 IC 30-2-10).
- 20 (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse
- 21 of funeral trust or escrow account funds) is barred unless
- 22 commenced within five (5) years after the date of death of the
- 23 purchaser (as defined in IC 30-2-13-9).
- 24 (l) A prosecution for an offense under IC 23-14-48-9 is barred
- 25 unless commenced within five (5) years after the earlier of the date on
- 26 which the state:
- 27 (1) first discovers evidence sufficient to charge the offender with
- 28 the offense; or
- 29 (2) could have discovered evidence sufficient to charge the
- 30 offender with the offense by the exercise of due diligence.
- 31 (m) *A prosecution for a sex offense listed in IC 11-8-8-4.5 that is*
- 32 *committed against a child and that is not:*
- 33 *(1) a Class A felony (for a crime committed before July 1,*
- 34 *2014) or a Level 1 felony or Level 2 felony (for a crime*
- 35 *committed after June 30, 2014); or*
- 36 *(2) listed in subsection (e);*
- 37 *is barred unless commenced within ten (10) years after the commission*
- 38 *of the offense, or within four (4) years after the person ceases to be a*
- 39 *dependent of the person alleged to have committed the offense,*
- 40 *whichever occurs later.*
- 41 SECTION 125. IC 35-44.1-2-1, AS AMENDED BY P.L.158-2013,
- 42 SECTION 501, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who:

- 2 (1) makes a false, material statement under oath or affirmation,
 3 knowing the statement to be false or not believing it to be true; or
 4 (2) has knowingly made two (2) or more material statements, in
 5 a proceeding before a court or grand jury (**before the abolition of**
 6 **grand juries**), which are inconsistent to the degree that one (1) of
 7 them is necessarily false;

8 commits perjury, a Level 6 felony.

9 (b) In a prosecution under subsection (a)(2):

- 10 (1) the ~~indictment~~ or information need not specify which
 11 statement is actually false; and
 12 (2) the falsity of a statement may be established sufficiently for
 13 conviction by proof that the defendant made irreconcilably
 14 contradictory statements which are material to the point in
 15 question.

16 SECTION 126. IC 35-44.1-2-4, AS ADDED BY P.L.126-2012,
 17 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2014]: Sec. 4. (a) A person who:

- 19 (1) with intent to mislead public servants;
 20 (2) in a five (5) year period; and
 21 (3) in one (1) or more official proceedings or investigations;

22 has knowingly made at least two (2) material statements concerning the
 23 person's identity that are inconsistent to the degree that one (1) of them
 24 is necessarily false commits false identity statement, a Class A
 25 misdemeanor.

26 (b) It is a defense to a prosecution under this section that the
 27 material statements that are the basis of a prosecution under subsection
 28 (a) concerning the person's identity are accurate or were accurate in the
 29 past.

30 (c) In a prosecution under subsection (a):

- 31 (1) the ~~indictment~~ or information need not specify which
 32 statement is actually false; and
 33 (2) the falsity of a statement may be established sufficiently for
 34 conviction by proof that the defendant made irreconcilably
 35 contradictory statements concerning the person's identity.

36 SECTION 127. IC 35-46-2-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A public servant
 38 having the duty to select or summon persons for ~~grand jury~~ or trial jury
 39 service who knowingly or intentionally fails to select or summon a
 40 person because of color, creed, disability, national origin, race, religion,
 41 or sex commits discrimination in jury selection, a Class A
 42 misdemeanor.



1 SECTION 128. IC 35-47-2-24 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. (a) In an
 3 information or indictment brought for the enforcement of any provision
 4 of this chapter, it is not necessary to negate any exemption specified
 5 under this chapter, or to allege the absence of a license required under
 6 this chapter. The burden of proof is on the defendant to prove that ~~he~~
 7 **the defendant** is exempt under section 2 of this chapter, or that ~~he~~ **the**
 8 **defendant** has a license as required under this chapter.

9 (b) Whenever a person who has been arrested or charged with a
 10 violation of section 1 of this chapter presents a valid license to the
 11 prosecuting attorney or establishes that ~~he~~ **the person** is exempt under
 12 section 2 of this chapter, any prosecution for a violation of section 1 of
 13 this chapter shall be dismissed immediately, and all records of an arrest
 14 or proceedings following arrest shall be destroyed immediately.

15 SECTION 129. IC 36-1-17-3, AS ADDED BY P.L.128-2005,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2014]: Sec. 3. (a) An officer or employee of a unit or
 18 municipal corporation who is charged with:

- 19 (1) a crime; or
 20 (2) an infraction;

21 relating to an act that was within the scope of the official duties of the
 22 officer or employee may apply to the fiscal body of the unit or
 23 municipal corporation for reimbursement of reasonable and
 24 customarily charged expenses incurred in the officer's or employee's
 25 defense against those charges, if all charges have been dismissed or the
 26 officer or employee has been found not guilty of all charges. The fiscal
 27 body of the unit or municipal corporation shall reimburse the officer or
 28 employee for reasonable and customarily charged expenses, as
 29 determined by the fiscal body of the unit or municipal corporation,
 30 incurred in the officer's or employee's defense against those charges, if
 31 all charges have been dismissed or the officer or employee has been
 32 found not guilty of all charges.

33 (b) ~~An officer or employee of a unit or municipal corporation who~~
 34 ~~is the target of a grand jury investigation may apply to the fiscal body~~
 35 ~~of the unit or municipal corporation for reimbursement of reasonable~~
 36 ~~and customarily charged expenses incurred by the officer or employee~~
 37 ~~resulting from the grand jury investigation; if the grand jury fails to~~
 38 ~~indict the officer or employee and the acts investigated by the grand~~
 39 ~~jury were within the scope of the official duties of the officer or~~
 40 ~~employee. The fiscal body of the unit or municipal corporation shall~~
 41 ~~reimburse the officer or employee for reasonable and customarily~~
 42 ~~charged expenses; as determined by the fiscal body of the unit or~~



1 municipal corporation; incurred by the officer or employee as a result
2 of the grand jury investigation; if the grand jury fails to indict the
3 officer or employee.

4 (c) (b) An officer or employee of a unit or municipal corporation
5 who is the defendant in a civil action described in section 2(1)(B)(i)
6 through section 2(1)(B)(viii) of this chapter and brought by a person
7 described in section 2(1)(B) of this chapter that involves an action
8 within the scope of the official duties of the officer or employee may
9 apply to the fiscal body of the unit or municipal corporation for
10 reimbursement of reasonable and customarily charged expenses
11 incurred in the officer's or employee's defense in the civil action. The
12 fiscal body of the unit or municipal corporation shall reimburse the
13 officer or employee for reasonable and customarily charged expenses
14 incurred in the officer's or employee's defense against the civil action
15 if:

- 16 (1) all claims that formed the basis of the civil action have been
17 dismissed; or
18 (2) a judgment is rendered in favor of the officer or employee on
19 all counts in the civil action.

