

# Indiana Coalition Against Domestic Violence

2021 Indiana General Assembly

April 11, 2021

All committee hearings are now completed, and bills surviving the second half committee process must be voted out of each chamber by April 13. Conference committees to resolve disagreements have already begun. The House and Senate are still working towards finishing their regular legislative work by April 22.

The census data required for redistricting will not be available before the regular statutory end of session on April 29, so it was anticipated that the General Assembly would return for a special session to redistrict later this year. However, the Senate Appropriations committee budget passed yesterday now contains language extending the 2021 regular session through November 15, so that a special session is not necessary.

Below are summarized bills that are still alive. To see details about the content or actions for any of these bills, go to: <http://iga.in.gov/legislative/2021/bills/>, and click on the bill of interest. Please note that even if a bill has a red status, indicating that it was not heard in the second chamber, portions or all of that bill may be resurrected in conference committee by adding it to other bills. A dissent means that the bill is going to conference committee.

## I. Domestic Violence

**HB1001 STATE BUDGET (BROWN T)** The Senate Appropriations Committee released its version of the budget yesterday, on April 8. The new revenue forecast will be released on April 16 and is expected to be very optimistic, especially given increased sales tax revenues from stimulus checks, COVID relief to the state and local governments, and overall improvement of the economy, so there may be some increases in the budget after it passes the Senate and goes through conference committee.

In the Senate committee-passed budget, the General Fund appropriation to the DVPT fund has remained at \$5 million per year. Below is pasted in that portion of the budget:

SEXUAL ASSAULT VICTIMS' ASSISTANCE

Total Operating Expense 2,000,000 2,000,000

VICTIMS OF VIOLENT CRIME ADMINISTRATION Total Operating Expense 3,636,841

Violent Crime Victims Compensation Fund (IC 5-2-6.1-40) Total Operating Expense 2,550,844

Augmentation allowed from the violent crime victims compensation fund.

If appropriations are insufficient to pay eligible claims, the budget agency may augment from the general fund.

### **DOMESTIC VIOLENCE PREVENTION AND TREATMENT**

**Total Operating Expense 5,000,000 5,000,000**

**Domestic Violence Prevention and Treatment Fund (IC 5-2-6.7-4)**

**Total Operating Expense 1,226,800 1,226,800**

**Augmentation allowed from domestic violence prevention and treatment fund.**

**The above appropriations are for programs for the prevention of domestic violence. The appropriations may not be used to construct a shelter.**

**HB1441 FULL FAITH AND CREDIT FOR TRIBAL COURT ORDERS (DELANEY E)** Requires that, under certain circumstances, a court of record in Indiana shall give full faith and credit to judgments and orders of a tribal court affiliated with the Pokagon Band of Potawatomi Indians. **4/8/2021 - House Concurred in Senate Amendments, 87-0.**

**SB79 PROTECTION ORDERS AND DOMESTIC BATTERY (CRIDER M)** Provides that if a petition for an order for protection is filed by a person or on behalf of an unemancipated minor, the court shall determine, after reviewing the petition or making an inquiry, whether issuing the order for protection may impact a school corporation's ability to provide in-person instruction for the person or the unemancipated minor. Creates a procedure that requires a school corporation to receive notice if the court determines that issuing the order for protection may impact the school corporation's ability to provide in-person instruction for the person or the unemancipated minor. Enhances the penalty for domestic battery to a Level 6 felony if the offense is committed against a family or household member: (1) who has

been issued a protection order that protects the family or household member from the person and the protection order was in effect at the time the person committed the offense; or (2) while a no contact order issued by the court directing the person to refrain from having any direct or indirect contact with the family or household member was in effect at the time the person committed the offense. Enhances the penalty for domestic battery to a Level 5 felony when the offender has a prior conviction for strangulation against the same family or household member.

**4/5/2021 - Senate Concurred in House Amendments ; Roll Call 343: yeas 47, nays 0**

**HB1200 HUMAN TRAFFICKING (MCNAMARA W)** Modifies the definition of "protected person" for purposes of the admission of a statement or videotape of an individual who is less than 14 years of age at the time of the offense but less than 18 years of age at the time of trial. Removes the requirement that money paid for a human trafficking victim or for an act performed by a human trafficking victim be paid to a third party, and specifies that a person commits the offense if the person knows or reasonably should know that the victim is a human trafficking victim. Increases the penalty if the person knows or reasonably should know that the human trafficking victim is less than 18 years of age. Specifies that consent by the human trafficking victim is not a defense to a prosecution. Requires law enforcement agencies to report human trafficking investigations to the attorney general within 30 days after an investigation begins.

**4/8/2021 - House dissented from Senate Amendments**

**HB1468 VARIOUS HEALTH MATTERS (DAVISSON S)** Specifies that the division of mental health and addiction (division) has primary oversight over suicide prevention and crisis services activities and coordination and designation of the 9-8-8 crisis hotline centers. Sets forth requirements to be designated as a 9-8-8 crisis hotline center. Establishes the statewide 9-8-8 trust fund. Delays the requirement that a prescription for a controlled substance be in an electronic format until January 1, 2022. Allows for an exemption from the requirement of issuing a controlled substance prescription in an electronic format if the dispensing pharmacy or provider is unable to receive or process an electronically transmitted prescription. Requires certain rules adopted by the Indiana board of pharmacy (board) to be substantially similar to certain federal regulations. Allows a pharmacist and pharmacy technician to administer an immunization for coronavirus disease. Allows a registered nurse to provide for the direct supervision of a pharmacist intern or pharmacist student who administers an immunization. Changes references of the "pharmacist in charge" to the "pharmacist on duty". Allows a pharmacist to supervise eight pharmacy interns. Allows a pharmacy technician to work remotely to perform specified responsibilities. Provides that the board shall hold the pharmacy permit holder accountable, rather than the qualifying pharmacy, for staffing violations if the qualifying pharmacist does not have the authority to make staffing determinations. Specifies that a transfer of a prescription includes a schedule II controlled substance. Removes the requirement that a pharmacist provide a patient with a written advance beneficiary notice that states that the patient may not be eligible for reimbursement for the device or supply. Changes remote dispensing facility requirements concerning location of the facility. Changes how long a remote dispensing facility must retain a surveillance recording from 45 days to 30 days. Removes specified physical requirements that a video monitor being used by the remote facility must meet. Adds therapeutic substitution to the definition of "protocol" for purposes of drug regimen adjustments and defines "therapeutic alternative" and specifies use of therapeutic alternative requirements for protocols. Removes a requirement for drug protocols concerning availability of medical records. Allows for physician assistants and advance practice registered nurses to make referrals to pharmacists. Adds any plan or program that provides payment, reimbursement, or indemnification for the cost of prescription drugs to the definition of a "health plan". **Requires a public school that issues, after June 30, 2022, a student identification card to a student in grade 6, 7, 8, 9, 10, 11, or 12 to include on the student identification card: (1) the 9-8-8 crisis hotline (with an exception if the 9-8-8 crisis hotline is not in operation); and (2) a local, state, or national human trafficking hotline telephone number that provides support 24 hours a day, seven days a week. (Note: SB 19, student ID cards, was not heard in the House so this language from SB 19 was added in the Senate to HB 1468.)** **4/8/2021 - House dissented from Senate Amendments**

## **II. Sexual Assault**

**SB7 FORENSIC NURSES (CRIDER M)** Specifies requirements that a registered nurse must meet in order to practice as a forensic nurse. Requires biennial continuing education for a forensic nurse. Provides that a forensic nurse who is practicing as a forensic nurse on June 30, 2021, is not required to meet the biennial forensic nursing education requirements until June 30, 2023. **4/5/2021 - Senate Concurred in House Amendments , 47-0.**

**SB81 TRAINING FOR INVESTIGATORS OF SEXUAL ASSAULT CASES (CRIDER M)** Requires certain training for sexual assault investigators. Mandates that the law enforcement training board set specialized standards for training and investigating sexual assault cases involving adult victims. **4/1/2021 - SIGNED BY GOVERNOR**

**SB240 FEMALE GENITAL MUTILATION (BROWN L)** Requires the office of women's health to perform certain actions relating to female genital mutilation. Provides that a child is a child in need of services if before the child becomes 18 years of age the child is a victim of female genital mutilation. Provides that a person who: (1) knowingly or intentionally performs the act of female genital mutilation on a child who is less than 18 years of age; (2) is a parent, guardian, or custodian of a child and consents to, permits, or facilitates the act of female genital mutilation to be performed on the child; or (3) knowingly transports or facilitates the transportation of a child for the purpose of having the act of female genital mutilation performed on the child; commits the offense of female genital mutilation, a Level 3 felony. Provides a defense to prosecution of female genital mutilation. Provides certain circumstances where a defense to prosecution of female genital mutilation does not apply. Defines "female genital mutilation". Provides that the license of a physician or a licensed health care professional shall be permanently revoked if the physician or licensed health care professional commits the offense of female genital mutilation. Provides that a person who has reason to believe that a child may be a victim of female genital mutilation has a duty to report the child abuse or neglect. Provides that an action for civil female genital mutilation must be commenced not later than 10 years after the eighteenth birthday of the child. Provides that a victim may seek certain remedies in an action against the defendant for civil female genital mutilation.

**3/30/2021 - Third reading passed; Roll Call 331: yeas 94, nays 0**

**HB1176 ELEMENTS OF RAPE (NEGELE S, Errington, Schaibley)** Provides that a person commits rape if: (1) the person engages in sexual activity with another person and the other person submits to the sexual activity under the belief that the person committing the act is someone the victim knows, other than the person committing the act, and such belief is intentionally induced by any artifice, pretense, or concealment practiced by the person; or (2) the person engages in sexual activity with another person and the other person has expressed a lack of consent, through words or conduct, to sexual intercourse or other sexual conduct. **Bill passed the House and was assigned to Senate Corrections and Criminal Law. Sen Young refused to accept an amendment and let the bill out of his committee. Attempts may be made during conference committee to revive this language by inserting it into another bill.**

III. **Pregnancy Accommodation/Infant Mortality**

**HB1032 NEWBORN SAFETY DEVICES (FRYE R)** Provides for placement of a newborn safety device at any facility that is staffed by an emergency medical services provider on a 24 hour per day, seven day per week basis, provided the newborn safety device: (1) is located in an area that is conspicuous and visible to staff; and (2) includes a dual alarm system that is connected to the facility and is tested at least one time per month to ensure the alarm system is in working order. Provides for placement of a newborn safety device at any fire department, including a volunteer fire department that: (1) meets the minimum response time established by the county, not to exceed four minutes; (2) is located within one mile of a hospital, police station, or emergency medical services station that meets certain requirements; (3) is equipped with an alert system that, when the newborn safety device is opened, automatically connects to the 911 system and transmits a request for immediate dispatch of an emergency medical services provider to the location of the newborn safety device and is tested at least one time per month to ensure the alert system is in working order; and (4) is equipped with an independent video surveillance system that allows at least two members of a fire department to monitor inside the newborn safety device at all times. Provides that a person who in good faith voluntarily leaves a child in a newborn safety device located at such a facility or fire station is not obligated to disclose the parent's name or the person's name. **4/6/2021 - Third reading passed; Roll Call 350: yeas 49, nays 0**

**HB1230 SAFE HAVEN 911 (LAUER R)** Provides that due to extenuating circumstances, if a child's parent or a person is unable to give up custody of a child under the procedure set forth in Indiana's safe haven law, the child's parent or the person may request that an emergency medical services provider (provider) take custody of the child by: (1) dialing the 911 emergency call number; and (2) staying with the child until a provider arrives to take custody of the child. Provides that the emergency medical dispatch agency or the provider shall inform the child's parent or the person giving up custody of the child of the ability to remain anonymous. Provides that a provider, shall, without a court order, take custody of a child who is, or who appears to be, not more than 30 days of age if the child is voluntarily left: (1) in a

newborn safety device that is located at an emergency medical services station; or (2) with medical staff after delivery in a hospital or other medical facility when the child's parent notifies the medical staff that the parent is voluntarily relinquishing the child. Allows a child's parent to remain anonymous if the child is voluntarily relinquished in a hospital or other medical facility after delivery of the child. Provides that an emergency medical services station is immune from civil liability for an act or omission relating to the operation of the newborn safety device.

**3/25/2021 - House Concurred in Senate Amendments ; 88-0.**

**HB1309 PREGNANCY ACCOMMODATION (ENGLEMAN K)** Allows an employee to request an accommodation for the employee's pregnancy. Requires an employer to respond to an employee's request for an accommodation within a reasonable time frame. Provides that a request for accommodation does not require an employer to provide an accommodation for an employee's pregnancy, or impose a duty or obligation upon the employer to provide an accommodation or an exception to the employer's policies unless existing federal or state laws require that an accommodation must be made. Prohibits an employer from disciplining, terminating, or retaliating against an employee because the employee has requested or used an accommodation for the employee's pregnancy.

**4/6/2021 - Third reading Passed (31-19)**

**SB10 STATEWIDE MATERNAL MORTALITY REVIEW COMMITTEE (LEISING J)** Includes reporting to the statewide maternal mortality review committee (committee) for the release of mental health records without the consent of the patient. Requires the committee to review cases of maternal mortality involving the death of a woman occurring during pregnancy, through one year after the pregnancy. Requires a health care provider and a health facility to report deaths during pregnancy, through one year after a pregnancy to the committee for review. Requires the committee to review all cases of maternal death. Specifies that a health care provider includes a mental health professional for purposes of the review of records by the committee. Requires the committee to: (1) determine whether an abortion was performed on the individual and whether the abortion contributed to the maternal mortality; (2) determine whether a miscarriage occurred and whether the miscarriage contributed to the maternal mortality; and (3) include the findings in the committee's annual report. Requires the statewide maternal mortality review coordinator to establish a process to report cases to the committee. Changes the expiration date of the statewide maternal mortality review committee to June 30, 2025. **4/1/2021 - Senate Concurred in House Amendments ; Roll Call 308: yeas 45, nays 3**

#### **IV. Guns**

**HB1369 FIREARMS MATTERS (SMALTZ B, Lehman, Wesco, Lucas)** Effective March 30, 2022: (1) Repeals the law that requires a person to obtain a license to carry a handgun in Indiana; (2) Specifies that certain persons who are not otherwise prohibited from carrying or possessing a handgun are not required to obtain or possess a license or permit from the state to carry a handgun in Indiana; (3) Prohibits certain individuals from knowingly or intentionally carrying a handgun; (4) Creates the crime of "unlawful carrying of a handgun"; (5) Provides that a prohibited person who knowingly or intentionally carries a handgun commits a Class A misdemeanor; (6) Specifies that the unlawful carrying of a handgun is a Level 5 felony if a person: (A) is less than 23 years of age; and (B) has an adjudication as a delinquent child for an act described by IC 35-47-4-5 (unlawful possession of a firearm by a serious violent felon); (7) Allows a resident of Indiana who wishes to carry a firearm in another state under a reciprocity agreement entered into by Indiana and the other state to obtain from the superintendent of the state police department a reciprocity license; (8) Requires law enforcement agencies to make use of certain data bases when issuing reciprocity licenses; (9) Specifies the following fees for reciprocity licenses: (A) \$0 for five year reciprocity licenses, and (B) \$75 for lifetime reciprocity licenses; (10) Provides that a person who knowingly or intentionally exerts unauthorized control over a firearm of another person with the intent to deprive the person of any part of its value or use commits theft, a Level 5 felony; and (11) Allows for the imposition of an additional fixed term of imprisonment when a person knowingly or intentionally: (A) points; or (B) discharges; a firearm at someone the person knew, or reasonably should have known, was a first responder. Effective July 1, 2021: (1) Provides that the following must develop a process that allows law enforcement officers the ability to quickly access information about whether a person is a prohibited person who may not knowingly or intentionally carry a handgun: (A) The state police department; (B) The bureau of motor vehicles; (C) Local law enforcement agencies; and (D) Any other state entity with access to information related to persons who may not knowingly or intentionally carry a handgun; (2) Provides that the information made available to law enforcement officers must meet all state and federal statutory, constitutional, and regulatory requirements; and (3) Allows state entities to enter into a memorandum of

understanding to ensure that all legal requirements are met. **3/11/21: Referred to Senate Judiciary. Not heard, despite 21 Senate Republicans signing on to the bill. Instead, the budget eliminates the fee for to apply for a lifetime handgun license, and the following resolution will no doubt be adopted:**

**SR39 DECLARING THAT THE POLICY OF THE STATE IS TO PROTECT THE CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS (TOMES J)** A SENATE RESOLUTION declaring that the policy of the state is to protect the constitutional right to keep and bear arms. **4/12/2021 - Senate Resolutions Eligible for Adoption**

**SB311 USE OF FORCE AND SELF DEFENSE (BALDWIN S)** Prohibits a state or local law enforcement officer (officer) from firing warning shots. Allows a guard, official, or officer in a state or local penal facility to fire warning shots to prevent the escape of a person. Prohibits a law enforcement agency or merit board from taking an adverse employment action against a law enforcement officer who lawfully exercises the officer's right of self defense, and requires a law enforcement agency to indemnify a law enforcement officer for reasonable expenses incurred by the officer in successfully contesting an adverse employment action. **3/4/2021 - Referred to Committee on Courts and Criminal Code. Not heard.**

#### V. **Anti-Poverty**

**HB1009 TANF PROGRAM (GOODRICH C)** Provides that for purposes of the Temporary Assistance for Needy Families program, income earned by a certain individual in the household who is participating in or pursuing a postsecondary degree, workforce certificate, pre-apprenticeship, or apprenticeship may not disqualify an eligible household from receiving benefits, and may not be considered in determining the amount of assistance. Sets the income eligibility requirements for the Temporary Assistance for Needy Families (TANF) program at phased-in specified percentages of the federal income poverty level. Requires the division of family resources to amend the state TANF plan or take any other action necessary to implement the income requirements. Increases certain payment amounts under the TANF program. Requires the payments to be annually adjusted using the Social Security cost of living adjustment rate, but provides that the total adjustment in a year must be reduced to the extent the adjustment would result in the transfer to the Child Care and Development Fund grant program being less than the maximum allowable transfer under federal law. Authorizes emergency rulemaking concerning the payments. Repeals language requiring the division of family resources to apply a percentage reduction to the total needs of TANF applicants and recipients in computing TANF benefits. **4/12/2021 - House Bills on Second Reading**

**SB233 TANF ELIGIBILITY (FORD J)** Sets the income eligibility requirements for the Temporary Assistance for Needy Families (TANF) program at phased-in specified percentages of the federal income poverty level. Requires the division of family resources to amend the state TANF plan or take any other action necessary to implement the income requirements. Increases certain payment amounts under the TANF program. Requires the payments to be annually adjusted using the Social Security cost of living adjustment rate, but provides that the total adjustment in a year must be reduced to the extent the adjustment would result in the transfer to the Child Care and Development Fund grant program being less than the maximum allowable transfer under federal law. Authorizes emergency rulemaking concerning the payments. Repeals language requiring the division of family resources to apply a percentage reduction to the total needs of TANF applicants and recipients in computing TANF benefits.

**3/2/2021 - Referred to House Ways and Means – Not heard, but this bill was amended into HB 1009, above, in Senate Appropriations, while the 1% EITC increase was removed.**

**SB409 TOWNSHIP MATTERS AND EMINENT DOMAIN (NIEMEYER R)** Provides that a township trustee serves as a member of the township legislative body for purposes of casting a vote to break a tie, except for a tie on the adoption of an ordinance to increase the township executive's compensation. Makes changes to the information required to be submitted by a township in the township's annual report. Requires the township trustee to annually certify and note on the township budget submitted to the department that the township trustee has filed the township's uniform written standards for township assistance with the county board of commissioners. Allows a township trustee to be appointed as a director of a county building authority. Provides that a township is not required to publish the portion of its annual abstract of receipts and expenditures that provides statements of: (1) receipts, showing their source; and (2) expenditures, showing the combined gross payment, according to classification of expense, to each person. Provides that the abstract must state that a complete abstract containing the statements described in (1) and (2) is filed with and

available for public inspection in the county auditor's office. Makes changes to condemnation proceedings in which appraisers are appointed after December 31, 2021. Requires a city or town (municipality) condemning property within the unincorporated area of the county to obtain the county legislative body's approval by demonstrating the necessity for the taking and that it is for a public purpose. Allows a business owner to claim compensation for intangible business losses and loss of driveway access due to condemnation. **4/8/2021 - Third reading passed; Roll Call 379: 64 – 24.**

VI. **Housing and Homelessness**

**HB1541 LANDLORD-TENANT RELATIONS (MANNING E)** Eliminates the general restriction on the authority of a county, city, town, or township concerning regulation of landlord-tenant relationship matters not specifically described by state statute. Prohibits the waiver of laws regarding retaliatory acts by a landlord. **4/6/2021 - Third reading passed; 49-0.**

**SB158 ORDINANCES (BOHACEK M)** Requires the health and hospital corporation of Marion County to post notice of an ordinance pending final action on the corporation's official Internet web site. **4/12/2021 - Third Reading**

**SB214 LOW INCOME HOUSING (HOLDMAN T)** Reinstates provisions that were repealed in the 2016 session in Senate Bill 309 regarding eligibility for the property tax exemption for improvements on real property that are constructed, rehabilitated, or acquired for the purpose of providing low income housing. Provides that payments in lieu of taxes (PILOTS) may be required from a property owner claiming such an exemption. **4/1/2021 - Senate Concurred in House Amendments ; Roll Call 316: yeas 48, nays 0**

**SB218 TOWNSHIP HOMELESS ASSISTANCE (SANDLIN J)** Establishes the low barrier homeless shelter task force. Beginning July 1, 2022: (1) allows a township trustee to place a homeless individual temporarily in a county home or provide temporary township assistance; and (2) requires the township trustees within a county to collaborate and prepare a list of public and private resources available to the homeless population that is distributed and published on the county's Internet web site, if the county has a web site, not later than March 1 of each year. Provides that a person commits the offense of criminal trespass if: (1) the person, who does not have a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is designated by a municipality or county enforcement authority to be an unsafe building or premises; or (2) the person knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property has been designated by a municipality or county enforcement authority to be an unsafe building or premises; unless the person has the written permission of the owner, the owner's agent, an enforcement authority, or a court to come onto the property for purposes of performing maintenance, repair, or demolition. Provides that an individual who harasses another person with the intent to obtain property from the other person commits aggressive harassment, a Class C misdemeanor. Defines "harasses". Repeals the chapter concerning panhandling. **4/1/2021 - Senate Concurred in House Amendments ; Roll Call 317: yeas 48, nays 0**

**SB236 LAND BANKS (LANANE T)** Provides that a county fiscal body may adopt an ordinance requiring that, for the five years after a tract is purchased from a land bank, 50% of the amount of property taxes paid on the tract must be transferred to the land bank. Requires a county executive to provide a land bank in the county with a list of tracts located in the territory of the land bank that: (1) are delinquent on property taxes; and (2) have been offered for public sale at least two times and remain unsold; on an annual basis, and permits the county executive to transfer its interest in a tract on the list to a land bank if requested by the land bank not later than 30 days after it receives the list. **3/31/2021 - House Ways and Means. Bill did not move out of committee.**

VII. **Predatory Lending/Collection**

**All three of these bills did not pass out in the first half of session:**

**HB1411 CONSUMER LOAN FINANCE CHARGES (ELLINGTON J)** Would have allowed interest rates on long-term high amount subprime loans to rise from 25% blended APR to 36% APR, plus additional fees and ancillary products (such as insurance products) Would likely also have been a vehicle to authorize other higher interest rate products. **Not heard.**

**SB380 COURT MATTERS (Koch)**As drafted, this bill deleted the current proceedings supplemental statute and created an entirely new, problematic and punitive system for collecting judgments, in violation of the Indiana Trial Rules (TR69(E) ). This system included provisions effectively denying debtors the right to assert exemptions of property or wages from attachment, or to reduce a garnishment. The bill also required employers to answer interrogatories about all property, money or credits of the debtor in excess of \$400 as were in the employer's "hands or control ", requiring employers to hold that property, and maybe later have to deliver that property to the court. And if the employer failed to satisfactorily execute any of these actions, employer could be liable for the amount of the judgment and possibly all costs of the creditor's actions. Faced with wide opposition from both consumer and employer groups, the author deleted this section of the bill from SB 380 at the commencement of the committee hearing. **The bill is moving only as a bill to create new courts, and the new section about collecting judgments is dead.**

**SB184 SMALL LOAN FINANCE CHARGES (WALKER G)** Created a 36% cap for small loans, which would have capped payday loans at 36% APR. **Sadly did not move out of committee this year.**

#### **VIII. Family Law**

**\*Note: SB 340, Bad Faith Domestic Relations Actions (Donato), was not heard,** and will likely be studied instead this summer by the Indiana State Bar Association. This bill would have **required** courts to bar plaintiffs determined to have brought a domestic relations action in bad faith from filing another domestic relations action (including for a divorce, custody, child support, protective order, etc). against that defendant for 4 to 6 years, and for a second "offense" to bar that plaintiff for "any period established by the court."

**HB1252 PROBATE AND GUARDIANSHIP MATTERS (YOUNG J)** Removes conflicts between probate and guardianship statutes regarding classification of claims. Requires, for purposes of the power of attorney act, that a principal may not be a minor. Creates a tenant's representative for a deceased tenant or a tenant who is under a guardianship and specifies who may accept an appointment as a tenant's representative. Protects the proceeds from the sale of real property where no estate administration has been opened within five months of the decedent's date of death from claims of all creditors. Lists the claims having priority and preference in certain circumstances. Makes a technical correction between SEA 276 and HB 1252. **4/12/2021 - Concurrences Eligible for Action**

**HB1255 PROBATE AND PROPERTY MATTERS (YOUNG J)** Provides that a testator may execute a will in two or more counterparts. Specifies certain requirements for a will executed in two or more counterparts. Provides that a self-proving clause may be incorporated into or affixed to a will. Specifies certain requirements for self-proving clauses and wills. Specifies that certain photographic, video, and audio evidence may be used as evidence with respect to the execution of a will. Exempts a will from the need for a recertification or a reexecution in certain instances. Specifies certain requirements concerning the execution of an electronic will. Allows an attorney or paralegal to supervise the execution of an electronic will. Exempts electronic wills from the need for recertification or reexecution in certain instances. Specifies that certain photographic, video, and audio evidence may be used as evidence with respect to the execution of an electronic will. Specifies certain requirements concerning the execution of a power of attorney. Allows a power of attorney to be executed in two or more counterparts. Specifies certain requirements for the execution of a power of attorney in two or more counterparts. Allows a self-proving clause to be incorporated into or affixed to a power of attorney. Specifies certain requirements for self-proving clauses incorporated into or affixed to a power of attorney. Specifies that certain photographic, video, and audio evidence may be used as evidence with respect to the execution of a power of attorney. Provides that an electronically signed and notarized electronic power of attorney is valid if the electronic power of attorney complies with certain specified requirements. Specifies certain requirements for attesting witnesses involved in the execution of a power of attorney or an electronic power of attorney. Allows a self-proving clause to be incorporated into or affixed to a power of attorney. Specifies that certain photographic, video, and audio evidence may be used as evidence with respect to the execution of an electronic power of attorney. Provides that certain persons are ineligible to sign certain trust instruments. Requires certain transfer on death conveyances to occur in the presence of a disinterested witness. Repeals certain provisions concerning mortgages, conveyances, and other written instruments that are executed in a foreign country. Repeals certain provisions concerning the affixing of a private seal or ink scroll on certain conveyances involving land or interests in land. Specifies certain requirements concerning land conveyances performed by attorneys in fact. Requires certain notarial acts to accompany the recording

of certain conveyances. Requires an English translation for certain instruments, acknowledgments, and proofs when the original document is not in English. Repeals a provision concerning the recording of a conveyance, mortgage, or other instrument in a county other than the county where the conveyance, mortgage, or other instrument is required to be recorded. Repeals a provision concerning the recording of a conveyance that is acknowledged outside Indiana but within the United States. Specifies: (1) certain prerequisites; and (2) a certain form; for the recording of certain instruments. Repeals a provision concerning the receipt of an acknowledgment by a public officer. Specifies that an instrument's acknowledgment or proof is incomplete when an instrument does not include an accompanying certificate. Provides that the transcript of an instrument that is recorded without a certificate cannot be read into or received as evidence. Specifies requirements concerning electronic recording of certain instruments concerning real property. Requires county recorders to implement specified functions concerning the: (1) acceptance; (2) receipt; (3) indexing; (4) storage; (5) archiving; and (6) transmittal; of electronically recorded instruments. Specifies certain requirements concerning the recording of a paper or tangible copy of an electronic instrument. Repeals a provision concerning the acknowledgment of certain instruments and the performance of certain notarial acts for a person serving in the armed forces, merchant marine, or outside the United States in connection with a wartime activity. Repeals provisions concerning: (1) certain notarial acts; and (2) acknowledgments; and their respective uses as prima facie evidence. Repeals a provision concerning certain executed instruments and a failure to state the location of the instrument's execution or any accompanying acknowledgment, if applicable. Provides that certain notarial acts are considered to have been performed in Indiana when certain specified criteria are met. Requires a county recorder's office to provide notice of office closures that last three or more days. Defines certain terms. Makes conforming amendments. Removes sections that conflict with HEA 1056. Makes a technical correction. **4/8/2021 - Signed by the President Pro Tempore**  
**4/1/2021 - House Concurred in Senate Amendments ; Roll Call 344: yeas 84, nays 1**

**HB1448 ADOPTION (TORR J)** Permits an individual who seeks to adopt a child less than 18 years of age to file a petition for adoption in any county in Indiana if either of the following is filed with the petition: (1) A written consent to the adoption from each individual whose consent to the adoption is required under Indiana law; (2) A certified copy of a court order terminating the parental rights of each parent whose consent to the adoption is required under Indiana law. Requires notice of an adoption petition to be delivered to imprisoned or detained individuals. Specifies certain requirements when delivering notice of a petition for adoption to an individual whose address is unknown. Provides that certain notice requirements concerning petitions for adoption are met even when the recipient of the notice refuses to accept the offer or tender of the notice. Requires that the notice of an adoption must be given to the local office of the department of child services, if the child is the subject of an open or pending child in need of services proceeding. Mandates that the notice of an adoption must be given to the entity, facility, or individual of which the child is a ward if the child is a subject of an open or pending juvenile delinquency proceeding. Specifies certain other requirements concerning notice for petitions for adoption. Requires the setting aside of an adoption decree if notice is not properly effectuated and the adoption decree is challenged within 45 days of when it was entered. Allows the court to set aside a dismissal of a motion to contest under certain circumstances. Allows the court to consider, in the context of a motion to contest, (1) the parent's substance abuse; (2) the parent's voluntary unemployment; or (3) instability in the parent's household, if the parent has made substantial and continuing progress and it appears reasonably likely that progress will continue. **4/6/2021 - Third reading passed; Roll Call 357: yeas 49, nays 1**

**HB1562 ADOPTION PETITIONS IN ANY COUNTY (CARBAUGH M)** Permits a resident of Indiana who seeks to adopt a child less than 18 years of age to file a petition for adoption in any county in Indiana if either of the following is filed with the petition: (1) A written consent to the adoption from each individual whose consent to the adoption is required under Indiana law. (2) A certified copy of a court order terminating the parental rights of each parent whose consent to the adoption is required under Indiana law. **3/24/2021 - Senate Judiciary – Not heard.**

**SB268 EXPIRATION OF CONTACT PREFERENCE FORMS (YOUNG M)** Allows the contact preference form of a birth parent to expire on the birth parent's death. Eliminates the use of contact preference forms for adoptions finalized after June 30, 2021. Makes conforming changes. **3/2/2021 - Referred to House Judiciary. Not heard.**

**IX. Juveniles/Youth/DCS**

**HB1256 JUVENILE COURT JURISDICTION (MCNAMARA W)** Provides that a child who: (1) commits indecent display by a youth; or (2) commits dangerous possession of a firearm or provides a firearm to another child in certain circumstances; has committed a delinquent act subject to the jurisdiction of a juvenile court. **3/23/2021 - Third reading passed 36-23**

**HB1531 DCS AND THE EDUCATION COMMUNITY (DEVON D)** Defines "exigent circumstances" for purposes of action taken by the department of child services (DCS) with respect to a child. Allows DCS to interview a child at the child's school without parental consent if: (1) the DCS employee presents his or her credentials or other proof of employment for inspection; and (2) there is written proof of exigent circumstances, except for at nonaccredited nonpublic schools with less than one employee. Requires that the DCS provide assurances that the child's school, or its representative, has been invited to participate in the case plan process. **4/12/2021 - House Bills on Second Reading**

**HB1532 DEPARTMENT OF CHILD SERVICES REPORTING (DEVON D)** Requires the department of child services (department) to annually submit to the general assembly a report providing specified information regarding cost reports submitted to the department by child caring institutions, group homes, child placing agencies, and private secure facilities. Requires the first such report submitted by the department to provide the specified information for the preceding four years. **4/8/2021 - Signed by the President Pro Tempore**

**HB1536 DEPARTMENT OF CHILD SERVICES (DEVON D)** Provides that if the governor declares a state of disaster emergency, the department of child services (department) may: (1) allow older youth who are receiving collaborative care services at the time of the declaration to continue to receive collaborative care services for the duration of the state of disaster emergency; and (2) modify or suspend enforcement of a statute or rule specifying a time within which a foster parent must provide for a child to be examined by a physician, physician assistant, or advanced practice registered nurse after the child's placement in the foster parent's home. **4/12/2021 - Concurrences Eligible for Action**

**HB1537 COMMISSION ON IMPROVING THE STATUS OF CHILDREN (DEVON D)** Changes the membership of the commission on improving the status of children in Indiana (commission). Provides that the affirmative votes of a majority of the voting members appointed to the commission are required for the commission to take action on any measure. **4/8/2021 - Signed by the President Pro Tempore**

**SB301 CHILD SERVICES OVERSIGHT (HOUCHIN E)** Establishes the interim study committee on child services (committee). Provides that the committee: (1) shall review the annual reports submitted by local child fatality review teams and by the statewide child fatality review committee; (2) may review, at the discretion of the committee's chairperson, a complaint or concern regarding the department of child services (department) submitted by a member of the committee; (3) shall recommend statutory changes to improve child safety; and (4) shall study issues relevant to the department's activities and to improving child safety, as well as any topic assigned to the committee by the legislative council. Provides that the department shall provide department records requested by the committee for purposes of the committee's: (1) required review of the annual reports of local child fatality review teams and the statewide child fatality review committee; and (2) discretionary review of complaints or concerns regarding the department; but requires the department or a local office of the department to redact any identifying information from any record provided to the committee. Authorizes the committee to meet at any time at the call of the chairperson. Provides that meetings of the committee are public meetings, subject to specified confidentiality requirements. Provides that records reviewed by the committee are confidential and may not be disclosed. Provides that a local child fatality committee may meet at the call of members of the local child fatality committee other than the county prosecutor for purposes of the first meeting of the local child fatality committee. Requires a local child fatality review team to investigate the death of a child who was the subject of an investigation, assessment, or intervention by the department at any time during the child's life. Requires a local child fatality review team, in reviewing the death of a child, to review any investigation, assessment, or intervention performed by the department with regard to the child at any time during the child's life. Requires the department to include the following information in the department's annual report regarding child fatalities that are the result of abuse or neglect: (1) The number of children who: (A) died during the preceding calendar year as the result of child abuse or neglect; and (B) were the subject of an investigation, assessment, or intervention by the department at any time during the child's life. (2) The number of children who died while a ward of the department. Allows the

department to: (1) post a preliminary version of the report if information needed to finalize the report is not available to the department before the statutory deadline for the report; and (2) timely post the final version of the report once the unavailable information becomes available to the department. Requires a local child fatality review committee that has not held its first meeting as of the effective date of the bill to hold its first meeting not later than December 31, 2021.

**4/12/2021 - Senate Bills on Second Reading**

**SB368 JUVENILE JUSTICE (TALLIAN K)** Provides for the automatic expungement of certain juvenile offenses. Prohibits a juvenile arrestee who meets certain requirements from being housed with adult inmates prior to trial, with certain exceptions. Establishes a procedure for determining juvenile competency. Provides that after a juvenile court has determined that a child is a dual status child, the juvenile court may refer the child to be assessed by a dual status assessment team under certain circumstances. **4/8/2021 - Third reading passed; Roll Call 377: yeas 87, nays 0.**

X. **Medicaid**

**HB1305 MEDICAID REIMBURSEMENT FOR CHILDREN'S HOSPITALS (SLAGER H)** Specifies the reimbursement rate for inpatient and outpatient Medicaid services that are provided by an out-of-state children's hospital located in a state bordering Indiana in state fiscal years 2022 and 2023. Requires budget committee review of the reimbursements provided to those out-of-state children's hospital. Requires the children's hospitals to provide information required in the review to the family and social services administration not later than August 1.

**4/12/2021 - Concurrences Eligible for Action**

**SB51 MEDICAID REIMBURSEMENT FOR SCHOOLS (ZAY A)** Allows the office of the secretary of family and social services to apply for a Medicaid state plan amendment to allow school corporations to seek Medicaid reimbursement for medically necessary, school based Medicaid covered services that are provided under federal or state mandates. Specifies possible services for Medicaid reimbursement. Adds physical therapy to the list of services a school psychologist may refer a student. Allows a school psychologist to make referrals to physical therapists for mandated school services . **3/10/2021 - House Ways and Means. Bill was not heard.**

XI. **Early Education/Child Care**

**HB1101 DAYCARE LICENSURE EXEMPTION IN DECLARED EMERGENCY (DAVISSON S)** Exempts from day care licensure requirements a child care program that: (1) is operated by a public or private organization under a contract with a public or private school; (2) serves children who are enrolled in a public or private school in grades kindergarten through 12, or in a preschool program offered by the public or private school; (3) serves children who are: (A) attending school through remote or e-learning due to a disaster emergency; or (B) participating in a learning enrichment program operated in cooperation with the public or private school. **4/8/2021 - House dissented from Senate Amendments**

**HB1247 CHILD CARE PROVIDER NOTICE (VERMILION A)** Allows the division of family resources (division) to send certain notices to: (1) an applicant for licensure as a child care center, licensure as a child care home, or registration as a child care ministry; and (2) a licensed child care center, a licensed child care home, and a registered child care ministry; by electronic mail instead of by certified mail. Requires: (1) an applicant for licensure as a child care center, licensure as a child care home, or registration as a child care ministry to provide a current and valid electronic mail address to the division in the application; and (2) a licensed child care center, a licensed child care home, and a registered child care ministry to maintain the provided electronic mail address for the duration of the licensure or registration.

**4/6/2021 - Third reading passed, 50-0.**

**HB1549 EDUCATION MATTERS (BEHNING R)** Allows the priority enrollment period for the prekindergarten pilot program to begin later than April 1, 2021, in calendar year 2021. Provides that a school corporation may not enter into or renew a contract with an outside vendor to operate or manage a dedicated virtual education school of the school corporation unless the school corporation submits the most recent contract or proposed contract with the vendor to the department of education (department). Amends limits on the percentage of appropriated funds that may be used for grants to limited eligibility children under the prekindergarten pilot program. Provides that the department of education (department) shall make informational material that is evidenced based available on the department's Internet web site that may help teachers and other school employees identify a student who may have been impacted by trauma.

Requires the department to provide a notice to each school corporation and charter school on how to access the informational material. Provides that a charter school may give enrollment preference to children who attend another charter school that is closed because of action by the state board of education (state board). Establishes the Cambridge International program (program). Requires the department to: (1) administer the program; and (2) submit a report regarding the program to the state board each year. Establishes the Indiana postsecondary prior learning assessment clearinghouse (clearinghouse). Requires the governor to direct the commission, department, and governor's workforce cabinet (cabinet), in collaboration with state educational institutions, to: (1) develop and regularly update the clearinghouse; and (2) collect information concerning prior learning assessments used by state educational institutions to award advanced standing or postsecondary credit. Requires each state educational institution to report prior learning assessment information. Requires the commission, department, and the cabinet to publish the clearinghouse information on its respective Internet web site. Requires the governor to direct the commission, department, and cabinet, in consultation with state educational institutions, to prepare model guidance and informational resources concerning postsecondary enrollment opportunities that incorporate work based learning experiences. Requires the governor to direct the commission, department, and cabinet to publish model guidance and information resources on its respective Internet web site. Prohibits a charter school organizer from entering into contracts under which an officer or employee of the organizer or a relative of an officer or employee of the organizer will receive compensation or proceeds. Provides an exception for de minimis contracts valued at \$1,000 or less. Repeals a provision regarding high school credit for Cambridge International courses. **4/12/2021 - House Bills on Second Reading**

**SB239 REMOTE PROVISION OF CHILD AND FAMILY SERVICES (BROWN L)** Requires the department of child services (department) to establish before October 1, 2021, policies and procedures to allow for child and family services to be provided remotely. Specifies factors that a child and family services provider and the department may consider in making a determination as to whether remote provision of services is appropriate for a child. Provides that a child and family services provider's first meeting with a family, or with a child who lives with the child's family, must be conducted in person unless a declared health emergency makes an in person meeting unsafe. Provides that after a child and family services provider's first meeting with a family or with a child who lives with the child's family, or for purposes of providing services to a child who does not live with the child's family, the provider has the discretion to provide services to the family or child remotely for up to 14 days after the initial request for consultation if providing services remotely is in the best interest of the child and family, unless: (1) a decision is reached on the use of remote services at a child and family team meeting less than 14 days after the request for consultation; or (2) the department communicates to the provider a preliminary determination as to the role of remote services pending the child and family team meeting. **4/8/2021 - Third reading passed, 71-15.**

## **XII. Mental Health and Disabilities**

**HB1127MENTAL HEALTH AND ADDICTION FORENSIC TREATMENTS (STEUERWALD G)** Removes a provision that allows a: (1) delinquent child's; or (2) person's; Medicaid participation to be terminated following a two year suspension due to certain adjudications or incarceration. Adds competency restoration services to the list of treatment and wraparound recovery services made available to certain persons in the criminal justice system. Adds competency restoration services to the list of services that qualify a person for mental health and addiction forensic treatment services. Adds: (1) recovery community organizations; and (2) recovery residences; certified by the division of mental health and addiction (division) or its designee to the list of organizations eligible for certain funds and grants from the division. Requires demographic data concerning race and ethnicity to be included in certain demographic research performed by the division. **4/8/2021 - Signed by the President Pro Tempore**

**HB1177STRATEGIC PLAN ON DEMENTIA (PORTER G)** Requires the division of aging (division) to develop a strategic plan concerning dementia in Indiana. Requires the division to submit an annual report to the general assembly concerning the dementia strategic plan and the outcomes of implementing the dementia strategic plan. **4/8/2021 - SIGNED BY GOVERNOR**

**HB1313STUDENTS WITH DISABILITIES (CLERE E)** Requires the Indiana management performance hub to: (1) use its data resources and technology to cross-reference with data bases of certain state agencies to identify certain former students with disabilities (eligible individuals); (2) coordinate with the state department of health to determine whether

identified eligible individuals are deceased; and (3) provide the information concerning eligible individuals to the department of workforce development (DWD). Requires the state department of health to, not later than November 1, 2021, coordinate with the Indiana management performance hub. Requires the DWD to: (1) communicate with identified eligible individuals; and (2) provide to the eligible individuals a copy of a resource list concerning training and education opportunities and employment services resources. Requires the state advisory council on the education of children with disabilities (council) to annually update and submit the resource list to the department of education and the DWD. Requires the department of education and DWD to post a copy of the most recently updated resource list on the department's and DWD's Internet web sites. Requires the DWD, in consultation with the department of education, to prepare and submit an annual report to the general assembly and the council. Requires the state board of education to, not later than December 1, 2021, adopt rules to create an alternate diploma for students with significant cognitive disabilities. **3/23/2021 - Third reading passed; Roll Call 263: yeas 48, nays 0**

**HB1467 COMMUNITY MENTAL HEALTH CENTER MATTERS (DAVISSON S, Crider, JD Ford)** Requires the office of the secretary of family and social services (office) to apply for a Medicaid state plan amendment or Medicaid waiver for the following: (1) Reimbursement of Medicaid rehabilitation option services for a Medicaid eligible recipient who is undertaking an initial assessment, intake, or counseling in a community mental health center. (2) Reimbursement for Medicaid rehabilitation option services concurrently with reimbursement under the residential addiction treatment program. (3) The inclusion of video conferencing and audio services as telehealth for community mental health centers. Amends the definition of "telehealth services" for the Medicaid program. Requires at least two members of the division of mental health and addiction planning and advisory council to be community mental health center chief executive officers or designees. Requires the department of child services to accept certain criminal history checks and fingerprinting performed by community mental health centers for specified professionals if the process used by the community mental health center at least meets or exceeds the department's procedures. Amends the required graduate level courses and clinical experience that an applicant is required to obtain for a license as a clinical addiction counselor. Adds two members to the justice reinvestment advisory council. Makes a conforming change.

**2/23/2021 - Referred to Senate Health and Provider Services. Not heard.**

**SB63 MENTAL HEALTH TREATMENT FOR INMATES (GLICK S)** Permits, under certain circumstances, an offender committed to the department of correction to be held within a treatment facility operated by the department for not more than 14 days beyond the offender's mandatory release date if: (1) the offender consents; or (2) a court has ordered the offender to be committed to a treatment setting outside the department.

**4/1/2021 - SIGNED BY GOVERNOR**

**SB82 MENTAL HEALTH DIAGNOSIS (CRIDER M)** Defines "mental health diagnosis" and sets forth requirements that must be met in order for certain licensed professionals to provide a mental health diagnosis. Requires certain mental health professionals who are making a mental health diagnosis and who determine that the patient has not been examined by a physician, an advanced practice registered nurse, or a physician assistant in the preceding 12 months to schedule an examination for the patient. Requires notation of the patient's scheduled appointment in the patient's medical record.

**3/23/2021 - Third reading passed; Roll Call 288: yeas 94, nays 0. Note, unless an agreement can be reached to remove or modify the House-added requirement to schedule an appointment for a patient, bill may die.**

**SB259 PARENTS WITH DISABILITIES (NIEZGODSKI D)** Specifies that it is the policy of the state to recognize the parenting rights of a parent regardless of whether the parent has a disability. Provides that the right of a person with a disability to parent the person's child may not be denied or restricted solely because the person has a disability. Provides that: (1) a court, in: (A) considering the appointment of a person as a guardian; (B) hearing an action to modify custody or an action to determine or modify parenting time; or (C) determining whether to grant a petition for adoption; and (2) the department of child services, in determining whether to grant a person a license to operate a foster family home; may not discriminate against, and shall take into consideration the provision of reasonable accommodations to, a person with a disability. **4/12/2021 - Senate Bills on Third Reading**

### XIII. **Criminal Justice**

**HB1006LAW ENFORCEMENT OFFICERS (STEUERWALD G)** Requires the Indiana law enforcement training board to establish mandatory training in de-escalation as part of the use-of-force curriculum, and requires de-escalation training to be provided as a part of: (1) pre-basic training; (2) mandatory inservice training; and (3) the executive training program. Establishes a procedure to allow the Indiana law enforcement training board to decertify an officer who has committed misconduct. Defines "chokehold" and prohibits the use of a chokehold under certain circumstances. Specifies that a law enforcement officer who turns off a body worn camera with the intent to conceal a criminal act commits a Class A misdemeanor. Requires an agency hiring a law enforcement officer to request the officer's employment record and certain other information from previous employing agencies, requires the previous employing agency to provide certain employment information upon request, and provides immunity for disclosure of the employment records. Makes an appropriation to the Indiana law enforcement training academy for making capital improvements.

**4/1/2021 - SIGNED BY GOVERNOR**

**HB1068LOCAL OR REGIONAL JUSTICE REINVESTMENT ADVISORY COUNCILS (FRYE R)** Establishes a local or regional justice reinvestment advisory council (local or regional advisory council) in each county in Indiana. Provides that the purpose of a local or regional advisory council is to review local or regional criminal justice systems, policies, and procedures. Provides that the justice reinvestment advisory council shall assist local or regional advisory councils with promoting: (1) the use of evidence based practices; and (2) certain best practices of community based alternatives and recidivism reduction programs. Sets forth duties of local or regional advisory councils.**4/8/2021 - SIGNED BY GOVERNOR**

**HB1097CRIMINAL PENALTIES (ABBOTT D)** Provides that a person who uses a vehicle to commit the offense of resisting law enforcement or interfering with public safety, and has a prior conviction for either offense that involved the use of a vehicle, commits a Level 5 felony. **4/12/2021 - House Bills on Second Reading**

**HB1202SENTENCING (MCNAMARA W)** Establishes a procedure to allow certain inmates in the department of correction (department) an additional opportunity to request sentence modification from the sentencing court if the department has recommended sentence modification. **4/12/2021 - House Bills on Second Reading**

**HB1558INDIANA CRIME GUNS TASK FORCE (STEUERWALD G)** Establishes the Indiana crime guns task force (task force) to address violent crime in Boone, Hamilton, Hancock, Hendricks, Marion, Morgan, Johnson, and Shelby counties by delivering, in cooperation with state and federal officials, a uniform strategy to trace firearms used to commit crimes. Establishes an executive board to direct and oversee the task force. Requires the Indiana criminal justice institute to establish and administer the task force fund. **4/6/2021 - Third reading passed; Roll Call 362: yeas 49, nays 0**

**SB177 VICTIM'S RIGHTS AND INVESTIGATIONS (MESSMER M)** Establishes a procedure permitting an immediate family member of a deceased individual to request the superintendent of the state police department to conduct a new investigation into the death of the individual if: (1) a local law enforcement agency has determined that the death was not the result of a criminal act by a third party; (2) the individual was not under the care of a physician or the victim of medical malpractice; and (3) the family member has a reasonable suspicion that the death was the result of a criminal act by a third party. **4/8/2021 - Senate Concurred in House Amendments ; Roll Call 375: yeas 47, nays 0**

**SB187 PROTECTION OF MONUMENTS, MEMORIALS, AND STATUES (KOCH E)** Requires the state police department to prioritize the investigation and prosecution of persons who destroy, damage, vandalize, or desecrate a monument, memorial, or statue. Requires the state police department to assist political subdivisions in the investigation and prosecution of persons who destroy, damage, vandalize, or desecrate a monument, memorial, or statue. Provides that discretionary funding for a political subdivision may not be withheld from a political subdivision in certain circumstances. Provides that a state agency may provide discretionary funding to a political subdivision for a respective grant program after considering whether the political subdivision has taken all appropriate enforcement actions to protect public monuments, memorials, and statues from destruction or vandalism. Defines "discretionary funding". Adds enhanced penalties to the crime of rioting. **4/8/2021 - Senate Concurred in House Amendments ; Roll Call 376: yeas 36, nays 10**

**SB198 RIOTING (YOUNG M)** Grants, until January 1, 2025, the attorney general concurrent jurisdiction with the prosecuting attorney to prosecute an action in which a person is accused of committing a criminal offense while a member of an unlawful assembly. Permits the chief executive officer of a political subdivision to establish a curfew under certain circumstances. Makes refusing to leave a location in violation of a curfew, after having been informed of the curfew and ordered to leave by a law enforcement officer, a Class B misdemeanor. Allows for the civil forfeiture of property that is used by a person to finance a crime committed by a person who is a member of an unlawful assembly. Prohibits a person from being released on bail without a hearing in open court, establishes a rebuttable presumption that money bail shall be required, and requires a court to consider whether bail conditions more stringent than the local guidelines should be imposed. Adds enhanced penalties to the crimes of: (1) rioting; and (2) obstruction of traffic. Allows a conspiracy charge for a misdemeanor committed while a member of an unlawful assembly. Provides that a person may recover actual damages in a civil action against a county, city, or town (unit) for loss of property proximately caused by an unlawful assembly, if the unit recklessly fails to exercise reasonable diligence to prevent or suppress the unlawful assembly. **3/4/2021 - Referred to House Rules and Legislative Procedures. Not heard.**

**SB200 NONCOMPLIANT PROSECUTING ATTORNEY (YOUNG M)** Permits the attorney general to request the appointment of a special prosecuting attorney if a prosecuting attorney is categorically refusing to prosecute certain crimes, and establishes a procedure for the appointment of a person to serve as a special prosecuting attorney to prosecute cases that the county prosecuting attorney is refusing to prosecute. **3/4/2021 - Referred to Committee on Courts and Criminal Code. Not heard.**

**SB252 DEATH PENALTY (BOOTS P)** Urges the legislative council to assign to the appropriate interim study committee the topics of: (1) death sentences; (2) life imprisonment without the possibility of parole; and (3) circumstances justifying the imposition of: (A) a death sentence; or (B) life imprisonment without the possibility of parole. **3/2/2021 - Referred to House Rules and Legislative Procedures. Not heard.**