



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 115 be amended to read as follows:

- 1           Page 8, line 3, delete "from hiring a person or continuing  
2           employment of a person" and insert "from:  
3           **(1) hiring;**  
4           **(2) continuing the employment of;**  
5           **(3) contracting with; or**  
6           **(4) continuing to contract with;**  
7           a person".  
8           Page 8, delete lines 9 through 42, begin a new paragraph and insert:  
9           "SECTION 5. IC 20-26-5-11, AS AMENDED BY P.L.142-2020,  
10          SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11          JULY 1, 2022]: Sec. 11. (a) This section applies to:  
12               (1) a school corporation;  
13               (2) a charter school; and  
14               (3) an entity:  
15                     (A) with which the school corporation contracts for services;  
16                     and  
17                     (B) that has employees who are likely to have direct, ongoing  
18                     contact with children within the scope of the employees'  
19                     employment.  
20               (b) **Subject to section 10(k) of this chapter and subsection (f), a**  
21               school corporation, charter school, or entity ~~may use~~ **shall consider**  
22               **whether** information obtained under section 10 of this chapter  
23               concerning an individual's conviction for one (1) of the following  
24               offenses **as constitutes** grounds to not employ, **or to not** contract with,  
25               **or to terminate the employment of or contract with** the individual:  
26                     (1) Murder (IC 35-42-1-1).  
27                     (2) Causing suicide (IC 35-42-1-2).

- 1 (3) Assisting suicide (IC 35-42-1-2.5).
- 2 (4) Voluntary manslaughter (IC 35-42-1-3).
- 3 (5) Reckless homicide (IC 35-42-1-5).
- 4 (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from
- 5 the date the individual was discharged from probation,
- 6 imprisonment, or parole, whichever is later.
- 7 (7) Aggravated battery (IC 35-42-2-1.5).
- 8 (8) Kidnapping (IC 35-42-3-2).
- 9 (9) Criminal confinement (IC 35-42-3-3).
- 10 (10) A sex offense under IC 35-42-4 (**including criminal deviate**
- 11 **conduct (IC 35-42-4-2) (before its repeal)**).
- 12 (11) Carjacking (IC 35-42-5-2) (repealed).
- 13 (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed
- 14 from the date the individual was discharged from probation,
- 15 imprisonment, or parole, whichever is later.
- 16 (13) Incest (IC 35-46-1-3).
- 17 (14) Neglect of a dependent as a Class B felony (for a crime
- 18 committed before July 1, 2014) or a Level 1 felony or Level 3
- 19 felony (for a crime committed after June 30, 2014) (IC
- 20 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date
- 21 the individual was discharged from probation, imprisonment, or
- 22 parole, whichever is later.
- 23 (15) Child selling (IC 35-46-1-4(d)).
- 24 (16) Contributing to the delinquency of a minor (IC 35-46-1-8),
- 25 unless ten (10) years have elapsed from the date the individual
- 26 was discharged from probation, imprisonment, or parole,
- 27 whichever is later.
- 28 (17) An offense involving a weapon under IC 35-47 or
- 29 IC 35-47.5, unless ten (10) years have elapsed from the date the
- 30 individual was discharged from probation, imprisonment, or
- 31 parole, whichever is later.
- 32 (18) An offense relating to controlled substances under
- 33 IC 35-48-4, unless ten (10) years have elapsed from the date the
- 34 individual was discharged from probation, imprisonment, or
- 35 parole, whichever is later.
- 36 (19) An offense relating to material or a performance that is
- 37 harmful to minors or obscene under IC 35-49-3, unless ten (10)
- 38 years have elapsed from the date the individual was discharged
- 39 from probation, imprisonment, or parole, whichever is later.
- 40 (20) An offense relating to operating a motor vehicle while
- 41 intoxicated under IC 9-30-5, unless five (5) years have elapsed
- 42 from the date the individual was discharged from probation,
- 43 imprisonment, or parole, whichever is later.
- 44 (21) Domestic battery (IC 35-42-2-1.3), unless ten (10) years have
- 45 elapsed from the date the individual was discharged from
- 46 probation, imprisonment, or parole, whichever is latest.

1           **(22) Public indecency (IC 35-45-4-1) committed:**

2           **(A) after June 30, 2003; or**

3           **(B) before July 1, 2003, if the person committed the offense**  
 4           **by, in a public place:**

5           **(i) engaging in sexual intercourse or other sexual conduct**  
 6           **(as defined in IC 35-31.5-2-221.5);**

7           **(ii) appearing in a state of nudity with the intent to**  
 8           **arouse the sexual desires of the person or another**  
 9           **person, or being at least eighteen (18) years of age, with**  
 10           **the intent to be seen by a child less than sixteen (16)**  
 11           **years of age; or**

12           **(iii) fondling the person's genitals or the genitals of**  
 13           **another person.**

14           **In the event that an entity described in subsection (a)(3) obtains**  
 15           **information that an individual employed by the entity who works**  
 16           **at a particular school corporation or charter school has been**  
 17           **convicted of an offense described in this subsection, the entity shall**  
 18           **immediately notify the school corporation or charter school of the**  
 19           **employee's conviction.**

20           (c) An individual employed by a school corporation, charter school,  
 21           or entity described in subsection (a) shall notify the governing body of  
 22           the school corporation, if during the course of the individual's  
 23           employment, the individual is convicted in Indiana or another  
 24           jurisdiction of an offense described in subsection (b).

25           (d) A school corporation, charter school, or entity may use  
 26           information obtained under section 10 of this chapter concerning an  
 27           individual being the subject of a substantiated report of child abuse or  
 28           neglect as grounds to not employ or contract with the individual.

29           (e) An individual employed by a school corporation, charter school,  
 30           or entity described in subsection (a) shall notify the governing body of  
 31           the school corporation, if during the course of the individual's  
 32           employment, the individual is the subject of a substantiated report of  
 33           child abuse or neglect.

34           **(f) A school corporation, charter school, or entity is not required**  
 35           **to consider whether information concerning an individual's**  
 36           **conviction constitutes grounds to:**

37           **(1) not employ;**

38           **(2) not contract with; or**

39           **(3) terminate the employment of or contract with;**

40           **an individual under subsection (b) if the individual's conviction is**  
 41           **reversed, vacated, or set aside.**

42           **(g) Nothing in this section prohibits a school corporation,**  
 43           **charter school, or entity from establishing procedures to verify the**  
 44           **accuracy of the information obtained under section 10 of this**  
 45           **chapter concerning an individual's conviction."**

46           Delete page 9.

- 1 Page 10, delete lines 1 through 21.  
 2 Page 10, delete lines 36 through 42, begin a new paragraph and  
 3 insert:  
 4 "SECTION 7. IC 20-28-5-8, AS AMENDED BY P.L.174-2021,  
 5 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2022]: Sec. 8. (a) This section applies when a prosecuting  
 7 attorney knows that a licensed employee of a public school or a  
 8 nonpublic school has been convicted of an offense listed in subsection  
 9 (c). The prosecuting attorney shall immediately give written notice of  
 10 the conviction to the following:  
 11 (1) The secretary of education.  
 12 (2) Except as provided in subdivision (3), the superintendent of  
 13 the school corporation that employs the licensed employee or the  
 14 equivalent authority if a nonpublic school employs the licensed  
 15 employee.  
 16 (3) The presiding officer of the governing body of the school  
 17 corporation that employs the licensed employee, if the convicted  
 18 licensed employee is the superintendent of the school corporation.  
 19 (b) The superintendent of a school corporation, presiding officer of  
 20 the governing body, or equivalent authority for a nonpublic school shall  
 21 immediately notify the secretary of education when the individual  
 22 knows that a current or former licensed employee of the public school  
 23 or nonpublic school has been convicted of an offense listed in  
 24 subsection (c), or when the governing body or equivalent authority for  
 25 a nonpublic school takes any final action in relation to an employee  
 26 who engaged in any offense listed in subsection (c).  
 27 (c) Except as provided in section 8.5 of this chapter, the department  
 28 shall permanently revoke the license of a person who is known by the  
 29 department to have been convicted of any of the following:  
 30 **(1) The following felonies:**  
 31 **(A) A sex crime under IC 35-42-4 (including criminal**  
 32 **deviate conduct (IC 35-42-4-2) (before its repeal)).**  
 33 ~~(1) (B) Kidnapping (IC 35-42-3-2).~~  
 34 ~~(2) (C) Criminal confinement (IC 35-42-3-3).~~  
 35 ~~(3) Rape (IC 35-42-4-1).~~  
 36 ~~(4) Criminal deviate conduct (IC 35-42-4-2) (before its~~  
 37 ~~repeal).~~  
 38 ~~(5) Child molesting (IC 35-42-4-3).~~  
 39 ~~(6) An offense under IC 35-42-4-4(b) or IC 35-42-4-4(c).~~  
 40 ~~(7) Vicarious sexual gratification (IC 35-42-4-5).~~  
 41 ~~(8) Child solicitation (IC 35-42-4-6).~~  
 42 ~~(9) Child seduction (IC 35-42-4-7).~~  
 43 ~~(10) Sexual misconduct with a minor (IC 35-42-4-9).~~  
 44 ~~(11) (D) Incest (IC 35-46-1-3).~~  
 45 ~~(12) (E) Dealing in or manufacturing cocaine or a narcotic~~  
 46 ~~drug (IC 35-48-4-1).~~

- 1           ~~(13)~~ **(F)** Dealing in methamphetamine (IC 35-48-4-1.1).  
 2           ~~(14)~~ **(G)** Manufacturing methamphetamine (IC 35-48-4-1.2).  
 3           ~~(15)~~ **(H)** Dealing in a schedule I, II, or III controlled substance  
 4           (IC 35-48-4-2).  
 5           ~~(16)~~ **(I)** Dealing in a schedule IV controlled substance (IC  
 6           35-48-4-3).  
 7           ~~(17)~~ **(J)** Dealing in a schedule V controlled substance (IC  
 8           35-48-4-4).  
 9           ~~(18)~~ **(K)** Dealing in a counterfeit substance (IC 35-48-4-5).  
 10          ~~(19)~~ **(L)** Dealing in marijuana, hash oil, hashish, or salvia as  
 11          a felony (IC 35-48-4-10).  
 12          ~~(20)~~ **(M)** An offense under IC 35-48-4 involving the  
 13          manufacture or sale of a synthetic drug (as defined in  
 14          IC 35-31.5-2-321), a synthetic drug lookalike substance (as  
 15          defined in IC 35-31.5-2-321.5 (before its repeal on July 1,  
 16          2019)) under IC 35-48-4-10.5 (before its repeal on July 1,  
 17          2019), a controlled substance analog (as defined in  
 18          IC 35-48-1-9.3), or a substance represented to be a controlled  
 19          substance (as described in IC 35-48-4-4.6).  
 20          ~~(21)~~ Possession of child pornography (IC 35-42-4-4(d) or  
 21          IC 35-42-4-4(e)).  
 22          ~~(22)~~ **(N)** Homicide (IC 35-42-1).  
 23          ~~(23)~~ **(O)** Voluntary manslaughter (IC 35-42-1-3).  
 24          ~~(24)~~ **(P)** Reckless homicide (IC 35-42-1-5).  
 25          ~~(25)~~ **(Q)** Battery as any of the following:  
 26                ~~(A)~~ **(i)** A Class A felony (for a crime committed before July  
 27                1, 2014) or a Level 2 felony (for a crime committed after  
 28                June 30, 2014).  
 29                ~~(B)~~ **(ii)** A Class B felony (for a crime committed before July  
 30                1, 2014) or a Level 3 felony (for a crime committed after  
 31                June 30, 2014).  
 32                ~~(C)~~ **(iii)** A Class C felony (for a crime committed before July  
 33                1, 2014) or a Level 5 felony (for a crime committed after  
 34                June 30, 2014).  
 35          ~~(26)~~ **(R)** Aggravated battery (IC 35-42-2-1.5).  
 36          ~~(27)~~ **(S)** Robbery (IC 35-42-5-1).  
 37          ~~(28)~~ **(T)** Carjacking (IC 35-42-5-2) (before its repeal).  
 38          ~~(29)~~ **(U)** Arson as a Class A felony or Class B felony (for a  
 39          crime committed before July 1, 2014) or as a Level 2, Level 3,  
 40          or Level 4 felony (for a crime committed after June 30, 2014)  
 41          (IC 35-43-1-1(a)).  
 42          ~~(30)~~ **(V)** Burglary as a Class A felony or Class B felony (for a  
 43          crime committed before July 1, 2014) or as a Level 1, Level 2,  
 44          Level 3, or Level 4 felony (for a crime committed after June  
 45          30, 2014) (IC 35-43-2-1).  
 46          ~~(31)~~ **(W)** Human trafficking (IC 35-42-3.5).

- 1           ~~(32)~~ **(X)** Dealing in a controlled substance resulting in death  
2           (IC 35-42-1-1.5).  
3           ~~(33)~~ **(Y)** Attempt under IC 35-41-5-1 to commit an offense  
4           listed in this subsection.  
5           ~~(34)~~ **(Z)** Conspiracy under IC 35-41-5-2 to commit an offense  
6           listed in this subsection.  
7           **(2) Public indecency (IC 35-45-4-1) committed:**  
8           **(A) after June 30, 2003; or**  
9           **(B) before July 1, 2003, if the person committed the offense**  
10          **by, in a public place:**  
11           **(i) engaging in sexual intercourse or other sexual conduct**  
12           **(as defined in IC 35-31.5-2-221.5);**  
13           **(ii) appearing in a state of nudity with the intent to**  
14           **arouse the sexual desires of the person or another**  
15           **person, or being at least eighteen (18) years of age, with**  
16           **the intent to be seen by a child less than sixteen (16)**  
17           **years of age; or**  
18           **(iii) fondling the person's genitals or the genitals of**  
19           **another person.**  
20          (d) The department shall permanently revoke the license of a person  
21          who is known by the department to have been convicted of a federal  
22          offense or an offense in another state that is comparable to a felony **or**  
23          **misdemeanor** listed in subsection (c).  
24          (e) A license may be suspended by the secretary of education as  
25          specified in IC 20-28-7.5.  
26          (f) The department shall develop a data base of information on  
27          school corporation employees who have been reported to the  
28          department under this section.  
29          (g) Upon receipt of information from the office of judicial  
30          administration in accordance with IC 33-24-6-3 concerning persons  
31          convicted of an offense listed in subsection (c), the department shall:  
32                (1) cross check the information received from the office of  
33                judicial administration with information concerning licensed  
34                teachers (as defined in IC 20-18-2-22(b)) maintained by the  
35                department; and  
36                (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been  
37                convicted of an offense described in subsection (c), revoke the  
38                licensed teacher's license."  
39          Delete pages 11 through 12.  
40          Page 13, delete lines 1 through 23.

- 1 Renumber all SECTIONS consecutively.  
(Reference is to SB 115 as printed January 28, 2022.)

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Senator FREEMAN