

HOUSE BILL No. 1317

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-25-6; IC 8-3-19; IC 11-12-8; IC 11-13-4.5-3; IC 12-28-2; IC 31-9; IC 31-30-1-1; IC 31-37-23; IC 31-40-1.

Synopsis: Interstate compacts. Provides that the statutes creating the following compacts expire July 1, 2025: (1) The Interstate Jobs Protection Compact. (2) The Interstate High Speed Intercity Rail Passenger Network Compact. (3) The Interstate Compact on Community Corrections Transfers. (4) The Interstate Compact on Mental Health. (5) The Interstate Compact on Juveniles. Requires the governor to give notice to each state that is a party to each compact, if any, as provided in the respective compacts, that the state of Indiana is withdrawing from the compact. Requires the governor to certify before January 1, 2024, either that notice: (1) has been given of Indiana's withdrawal from the compact; or (2) was not required to be given because there are not any other party states to which to give notice.

Effective: July 1, 2023.

Miller D, Zent, Pressel

January 12, 2023, read first time and referred to Committee on Government and Regulatory Reform.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1317

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

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

1 SECTION 1. IC 5-25-6 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]:

4 **Chapter 6. Withdrawal from Compact**

5 **Sec. 1. Before January 1, 2024, the governor shall give notice**
6 **under IC 5-25-4-1 to each other party state, if any, as required by**
7 **the compact, that the state of Indiana withdraws from the compact,**
8 **effective January 1, 2025.**

9 **Sec. 2. Before January 1, 2024, the governor shall certify to the**
10 **legislative council one (1) of the following:**

11 **(1) That the notice of withdrawal has been given to each party**
12 **state as is required by the compact.**

13 **(2) That notice was not required to be given because there are**
14 **not any other party states to which to give notice.**

15 **Sec. 3. This article expires July 1, 2025.**

16 SECTION 2. IC 8-3-19-3 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2023]: **Sec. 3. (a) Before January 1, 2024, the governor shall give notice under section 1 of this chapter (Article IV of the compact) to each other party state, if any, as required by the compact, that the state of Indiana withdraws from the compact, effective January 1, 2025.**

(b) Before January 1, 2024, the governor shall certify to the legislative council one (1) of the following:

(1) That the notice of withdrawal has been given to each party state as is required by the compact.

(2) That notice was not required to be given because there are not any other party states to which to give notice.

SECTION 3. IC 8-3-19-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 4. This chapter expires July 1, 2025.**

SECTION 4. IC 11-12-8-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 5. (a) Before January 1, 2024, the governor shall give notice under section 2 of this chapter to each other party state, if any, as required by the compact, that the state of Indiana withdraws from the compact, effective January 1, 2025.**

(b) Before January 1, 2024, the governor shall certify to the legislative council one (1) of the following:

(1) That the notice of withdrawal has been given to each party state as is required by the compact.

(2) That notice was not required to be given because there are not any other party states to which to give notice.

SECTION 5. IC 11-12-8-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 6. This chapter expires July 1, 2025.**

SECTION 6. IC 11-13-4.5-3, AS AMENDED BY P.L.137-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 3. (a) The state shall continue to meet its obligations under IC 11-13-4 (the interstate compact for the supervision of parolees and probationers) to those states that:**

(1) continue to meet their obligations to the state of Indiana under IC 11-13-4; and

(2) have not approved the interstate compact for adult supervision after this chapter becomes effective.

(b) The state shall continue to meet its obligations under ~~IC 31-37-23~~ the interstate compact on juveniles **(as in effect on December 31, 2024, under IC 31-37-23, before the state of Indiana withdraws from the compact, effective January 1, 2025)** to those



states that:

- (1) continue to meet their obligations to the state of Indiana under ~~IC 31-37-23~~; **the interstate compact on juveniles**; and
- (2) have not approved the interstate compact for juveniles after section 1.5 of this chapter becomes effective.

SECTION 7. IC 12-28-2-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 5. (a) Before January 1, 2024, the governor shall give notice under section 1 of this chapter (Article 13 of the compact) to each other party state, if any, as required by the compact, that the state of Indiana withdraws from the compact, effective January 1, 2025.**

(b) Before January 1, 2024, the governor shall certify to the legislative council one (1) of the following:

- (1) That the notice of withdrawal has been given to each party state as is required by the compact.**
- (2) That notice was not required to be given because there are not any other party states to which to give notice.**

SECTION 8. IC 12-28-2-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 6. This chapter expires July 1, 2025.**

SECTION 9. IC 31-9-1-2, AS AMENDED BY P.L.206-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2.** Except as otherwise provided, the definitions in this article do not apply to the following:

- (1) IC 31-11-3.
- (2) IC 31-21 (or IC 31-17-3 before its repeal).
- (3) IC 31-18.5.
- (4) IC 31-19-29.
- (5) IC 31-37-23 (before its expiration on July 1, 2025).**

SECTION 10. IC 31-9-2-13, AS AMENDED BY P.L.243-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 13. (a)** "Child", for purposes of IC 31-15, IC 31-16 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of both parties to the marriage. The term includes the following:

- (1) Children born out of wedlock to the parties.
- (2) Children born or adopted during the marriage of the parties.
- (b) "Child", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.
- (c) "Child", for purposes of IC 31-19-5, includes an unborn child.
- (d) Except as otherwise provided in this section, "child", for purposes of the juvenile law and IC 31-27, means:



- (1) a person who is less than eighteen (18) years of age;
- (2) a person:
 - (A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and
 - (B) who either:
 - (i) is charged with a delinquent act committed before the person's eighteenth birthday; or
 - (ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or
- (3) a person:
 - (A) who is alleged to have committed an act that would have been murder if committed by an adult;
 - (B) who was less than eighteen (18) years of age at the time of the alleged act; and
 - (C) who is less than twenty-one (21) years of age.
- (e) "Child", for purposes of IC 31-36-3, means a person who is less than eighteen (18) years of age.
- ~~(f) "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.~~
- ~~(g)~~ (f) "Child", for purposes of IC 31-16-12.5, means an individual to whom child support is owed under:
 - (1) a child support order issued under IC 31-14-10 or IC 31-16-6; or
 - (2) any other child support order that is enforceable under IC 31-16-12.5.
- ~~(h)~~ (g) "Child", for purposes of IC 31-32-5, means an individual who is less than eighteen (18) years of age.
- ~~(i)~~ (h) "Child", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.
- ~~(j)~~ (i) "Child", for purposes of IC 31-35-2-4.5, means an individual who is:
 - (1) less than eighteen (18) years of age; and
 - (2) a delinquent child or a child in need of services.

SECTION 11. IC 31-9-2-13.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 13.1. (a) "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.**

(b) This section expires July 1, 2025.

SECTION 12. IC 31-9-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 22. **(a) "Compact", for**



purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-2.

(b) This section expires July 1, 2025.

SECTION 13. IC 31-9-2-27, AS AMENDED BY P.L.138-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 27. (a) "Court", for purposes of IC 31-15, IC 31-16, and IC 31-17, means the circuit, superior, or other courts of Indiana upon which jurisdiction to enter dissolution decrees has been or may be conferred.

(b) "Court", for purposes of IC 31-16-15, refers to the court having jurisdiction over child support orders.

(c) "Court", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-3.

~~(d) "Court", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.~~

~~(e)~~ (d) "Court", for purposes of IC 31-27, means a circuit or superior court.

~~(f)~~ (e) "Court", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-7.

SECTION 14. IC 31-9-2-27.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 27.1. (a) "Court", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.**

(b) This section expires July 1, 2025.

SECTION 15. IC 31-9-2-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 37. ~~(a)~~ "Delinquent child", for purposes of the juvenile law, ~~except as provided in subsection (b)~~, means:

(1) a child described in IC 31-37-1-1; or

(2) a child described in IC 31-37-2-1.

~~(b) "Delinquent child", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-4.~~

SECTION 16. IC 31-9-2-37.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 37.1. (a) "Delinquent child", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-4.**

(b) This section expires July 1, 2025.

SECTION 17. IC 31-9-2-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 38. (a) "Delinquent juvenile", for purposes of the Interstate Compact on Juveniles under



1 IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

2 **(b) This section expires July 1, 2025.**

3 SECTION 18. IC 31-9-2-39 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 39. (a) "Dependent
5 child" or "neglected child", for purposes of IC 31-37-23, has the
6 meaning set forth in IC 31-37-23-5.

7 **(b) This section expires July 1, 2025.**

8 SECTION 19. IC 31-9-2-44 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 44. (a) "Executive
10 authority", for purposes of IC 31-37-23, has the meaning set forth in
11 IC 31-37-23-6.

12 **(b) This section expires July 1, 2025.**

13 SECTION 20. IC 31-9-2-69 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 69. (a) "Juvenile", for
15 purposes of the Interstate Compact on Juveniles under IC 31-37-23-1,
16 has the meaning set forth in IC 31-37-23-1.

17 **(b) This section expires July 1, 2025.**

18 SECTION 21. IC 31-9-2-82 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 82. (a) "Neglected
20 child" or "dependent child", for purposes of IC 31-37-23, has the
21 meaning set forth in IC 31-37-23-5.

22 **(b) This section expires July 1, 2025.**

23 SECTION 22. IC 31-9-2-84.8, AS AMENDED BY P.L.142-2020,
24 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2023]: Sec. 84.8. "Nonwaivable offense", for purposes of this
26 title, means a conviction of any of the following felonies:

- 27 (1) Murder (IC 35-42-1-1).
- 28 (2) Causing suicide (IC 35-42-1-2).
- 29 (3) Assisting suicide (IC 35-42-1-2.5).
- 30 (4) Voluntary manslaughter (IC 35-42-1-3).
- 31 (5) Involuntary manslaughter (IC 35-42-1-4).
- 32 (6) Reckless homicide (IC 35-42-1-5).
- 33 (7) Feticide (IC 35-42-1-6).
- 34 (8) Battery (IC 35-42-2-1) within the past five (5) years.
- 35 (9) Domestic battery (IC 35-42-2-1.3).
- 36 (10) Aggravated battery (IC 35-42-2-1.5).
- 37 (11) Criminal recklessness (IC 35-42-2-2) within the past five (5)
- 38 years.
- 39 (12) Strangulation (IC 35-42-2-9).
- 40 (13) Kidnapping (IC 35-42-3-2).
- 41 (14) Criminal confinement (IC 35-42-3-3) within the past five (5)
- 42 years.



- (15) Human and sexual trafficking (IC 35-42-3.5).
- (16) A felony sex offense under IC 35-42-4.
- (17) Arson (IC 35-43-1-1) within the past five (5) years.
- (18) Incest (IC 35-46-1-3).
- (19) Neglect of a dependent (IC 35-46-1-4(a) and IC 35-46-1-4(b)).
- (20) Child selling (IC 35-46-1-4(d)).
- (21) Reckless supervision (IC 35-46-1-4.1).
- (22) Nonsupport of a dependent child (IC 35-46-1-5) within the past five (5) years.
- (23) Operating a motorboat while intoxicated (IC 35-46-9-6) within the past five (5) years.
- (24) A felony involving a weapon under IC 35-47 within the past five (5) years.
- (25) A felony relating to controlled substances under IC 35-48-4 within the past five (5) years.
- (26) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
- (27) A felony under IC 9-30-5 within the past five (5) years.
- (28) A felony related to the health or safety of a child (as defined in ~~IC 31-9-2-13(h)~~ **section 13(g) of this chapter**) or an endangered adult (as defined in IC 12-10-3-2).

SECTION 23. IC 31-9-2-97 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 97. (a) "Probation or parole", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(b) This section expires July 1, 2025.

SECTION 24. IC 31-9-2-102 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 102. (a) "Receiving state", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(b) This section expires July 1, 2025.

SECTION 25. IC 31-9-2-108 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 108. (a) "Residence", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(b) This section expires July 1, 2025.

SECTION 26. IC 31-9-2-116 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 116. (a) "Sending state", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(b) This section expires July 1, 2025.



SECTION 27. IC 31-9-2-119, AS AMENDED BY P.L.206-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 119. (a) "State", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-19.

(b) "State", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.

(c) "State", for purposes of the Interstate Compact on Adoption Assistance under IC 31-19-29, has the meaning set forth in IC 31-19-29-2.

~~(d) "State", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.~~

SECTION 28. IC 31-9-2-119.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 119.1. (a) "State", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.**

(b) This section expires July 1, 2025.

SECTION 29. IC 31-30-1-1, AS AMENDED BY P.L.172-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. A juvenile court has exclusive original jurisdiction, except as provided in sections 9, 10, 12, and 13 of this chapter, in the following:

(1) Proceedings in which a child, including a child of divorced parents, is alleged to be a delinquent child under IC 31-37.

(2) Proceedings in which a child, including a child of divorced parents, is alleged to be a child in need of services under IC 31-34.

(3) Proceedings concerning the paternity of a child under IC 31-14.

(4) Proceedings under the interstate compact on juveniles under IC 31-37-23 **before its expiration on July 1, 2025.**

(5) Proceedings governing the participation of a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for a child under IC 31-34-20 or IC 31-37-15.

(6) Proceedings under IC 31-34-4, IC 31-34-5, IC 31-37-5, and IC 31-37-6 governing the detention of a child before a petition has been filed.

(7) Proceedings to issue a protective order under IC 31-32-13.

(8) Proceedings in which a child less than sixteen (16) years of age is alleged to have committed an act that would be a misdemeanor traffic offense if committed by an adult.



(9) Proceedings in which a child is alleged to have committed an act that would be an offense under IC 9-30-5 if committed by an adult.

(10) Guardianship of the person proceedings for a child:

(A) who has been adjudicated as a child in need of services;

(B) for whom a juvenile court has approved a permanency plan under IC 31-34-21-7 that provides for the appointment of a guardian of the person; and

(C) who is the subject of a pending child in need of services proceeding under IC 31-34.

(11) Proceedings concerning involuntary drug and alcohol treatment under IC 31-32-16.

(12) Proceedings under the interstate compact for juveniles under IC 11-13-4.5-1.5.

(13) Proceedings under IC 31-28-5.8.

(14) Other proceedings specified by law.

SECTION 30. IC 31-37-23-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 11. (a) Before January 1, 2024, the governor shall give notice under section 1 of this chapter (Article 14 of the compact) to each other party state, if any, as required by the compact, that the state of Indiana withdraws from the compact, effective January 1, 2025.**

(b) Before January 1, 2024, the governor shall certify to the legislative council one (1) of the following:

(1) That the notice of withdrawal has been given to each party state as is required by the compact.

(2) That notice was not required to be given because there are not any other party states to which to give notice.

SECTION 31. IC 31-37-23-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 12. This chapter expires July 1, 2025.**

SECTION 32. IC 31-40-1-2, AS AMENDED BY P.L.48-2012, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2. (a) Except as otherwise provided in this section and subject to:**

(1) this chapter; and

(2) any other provisions of IC 31-34, IC 31-37, or other applicable law relating to the particular program, activity, or service for which payment is made by or through the department;

the department shall pay the cost of any child services provided by or



1 through the department for any child or the child's parent, guardian, or
2 custodian.

3 (b) The department shall pay the cost of returning a child under:

4 (1) IC 31-37-23, **if the costs are incurred before January 1,**
5 **2025;** or

6 (2) IC 11-13-4.5-1.5.

7 (c) Except as provided under section 2.5 of this chapter, the
8 department is not responsible for payment of any costs of secure
9 detention.

10 (d) The department is not responsible for the payment of any costs
11 or expenses for child services for a child placed in a child caring
12 institution, a group home, or a private secure facility if the entity does
13 not have an executed contract with the department, unless the child
14 services to be provided by the entity are recommended or approved by
15 the director of the department or the director's designee in writing prior
16 to the placement.

17 (e) The department is not responsible for payment of any costs or
18 expenses for housing or services provided to or for the benefit of a
19 child placed by a juvenile court in a home or facility located outside
20 Indiana, if the placement is not recommended or approved by the
21 director of the department or the director's designee.

22 (f) If a county is responsible for the payment of:

23 (1) any costs or expenses of services for or the placement of a
24 child in need of services; or

25 (2) the costs or expenses of services for or the placement of a
26 delinquent child;

27 the court may order the parents to reimburse the county as set forth in
28 section 3.8 of this chapter.

29 SECTION 33. IC 31-40-1-4, AS AMENDED BY P.L.146-2008,
30 SECTION 668, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2023]: Sec. 4. The parent or guardian of the
32 estate of any child returned to Indiana under the interstate compact on
33 juveniles under IC 31-37-23 shall reimburse the department for all
34 costs **incurred before January 1, 2025**, involved in returning the child
35 that the court orders the parent or guardian to pay under section 3 of
36 this chapter (or IC 31-6-4-18(e) before its repeal) whether or not the
37 child has been adjudicated a delinquent child or a child in need of
38 services.

