

IC 24-4-18

Chapter 18. Criminal History Providers

IC 24-4-18-1

"Criminal history information"

Sec. 1. (a) As used in this chapter, "criminal history information" means information:

- (1) concerning a criminal conviction in Indiana; and
- (2) available in records kept by a clerk of a circuit, superior, city, or town court with jurisdiction in Indiana.

(b) The term consists of the following:

- (1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.
- (2) Information, including a photograph, regarding a sex or violent offender (as defined in IC 11-8-8-5) obtained through sex or violent offender registration under IC 11-8-8.
- (3) Any disposition, including sentencing, and correctional system intake, transfer, and release.
- (4) A photograph of the person who is the subject of the information described in subdivisions (1) through (3).

(c) The term includes fingerprint information described in IC 10-13-3-24(f).

As added by P.L.69-2012, SEC.1. Amended by P.L.112-2013, SEC.1.

IC 24-4-18-2

"Criminal history provider"

Sec. 2. (a) As used in this section, "criminal history provider" means a person or an organization that compiles a criminal history report and either uses the report or provides the report to a person or an organization other than a criminal justice agency, a law enforcement agency, or another criminal history provider.

(b) The term does not include the following:

- (1) A criminal justice agency.
- (2) A law enforcement agency.
- (3) Any:
 - (A) person connected with or employed by:
 - (i) a newspaper or other periodical issued at regular intervals and having a general circulation; or
 - (ii) a recognized press association or wire service;as a bona fide owner, editorial or reportorial employee, who receives income from legitimate gathering, writing, editing, and interpretation of news;
 - (B) person connected with a licensed radio or television station as an owner or official, or as an editorial or reportorial employee who receives income from legitimate gathering, writing, editing, interpreting, announcing, or broadcasting of news; or
 - (C) other person who gathers, records, compiles, or disseminates:
 - (i) criminal history information; or

(ii) criminal history reports;
solely for journalistic, academic, governmental, or legal
research purposes.

(4) The clerk of a circuit, superior, city, or town court.

As added by P.L. 69-2012, SEC.1. Amended by P.L. 112-2013, SEC.2.

IC 24-4-18-3

"Criminal history report"

Sec. 3. (a) As used in this section, "criminal history report" means criminal history information that has been compiled primarily for the purposes of evaluating a particular person's eligibility for:

- (1) employment in Indiana;
- (2) housing in Indiana;
- (3) a license, permit, or occupational certification issued under state law; or
- (4) insurance, credit, or another financial service, if the insurance, credit, or financial service is to be provided to a person residing in Indiana.

(b) The term does not include information compiled primarily for the purpose of journalistic, academic, governmental, or legal research.

(c) The term includes information described in subsection (a) and not excluded under subsection (b), regardless of the geographical location of the person who compiled the information.

As added by P.L. 69-2012, SEC.1. Amended by P.L. 112-2013, SEC.3.

IC 24-4-18-4

"Criminal justice agency"

Sec. 4. As used in this section, "criminal justice agency" has the meaning set forth in IC 10-13-3-6.

As added by P.L. 69-2012, SEC.1.

IC 24-4-18-5

"Law enforcement agency"

Sec. 5. As used in this section, "law enforcement agency" has the meaning set forth in IC 10-13-3-10.

As added by P.L. 69-2012, SEC.1.

IC 24-4-18-6 Version a

Providing criminal history information; prohibited information; exceptions

Note: This version of section amended by P.L. 112-2013, SEC.4. See also following version of this section amended by P.L. 158-2013, SEC.273, effective 7-1-2014.

Sec. 6. (a) Except as provided in subsection (b), a criminal history provider may not knowingly provide a criminal history report that provides criminal history information relating to the following:

- (1) A record that has been expunged by:
 - (A) marking the record as expunged; or
 - (B) removing the record from public access.

(2) A record that is restricted by a court or the rules of a court and is marked as restricted from public disclosure or removed from public access.

(3) A record indicating a conviction of a Class D felony if the Class D felony conviction:

(A) has been entered as a Class A misdemeanor conviction;
or

(B) has been converted to a Class A misdemeanor conviction.

(4) A record that the criminal history provider knows is inaccurate.

(b) A criminal history provider may provide information described in subsection (a)(1) through (a)(3) if the person requesting the criminal history report is:

(1) required by state or federal law to obtain the information; or

(2) the state or a political subdivision, and the information will be used solely in connection with the issuance of a public bond.

As added by P.L. 69-2012, SEC.1. Amended by P.L. 112-2013, SEC.4.

IC 24-4-18-6 Version b

Providing criminal history information; prohibited information

Note: This version of section amended by P.L. 158-2013, SEC.273, effective 7-1-2014. See also preceding version of this section amended by P.L. 112-2013, SEC.4.

Sec. 6. (a) A criminal history provider may provide only criminal history information that relates to a conviction.

(b) A criminal history provider may not provide information relating to the following:

(1) An infraction, an arrest, or a charge that did not result in a conviction.

(2) A record that has been expunged.

(3) A record that is restricted by a court or the rules of a court.

(4) A record indicating a conviction of a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) if the Class D felony or Level 6 felony conviction:

(A) has been entered as a Class A misdemeanor conviction;
or

(B) has been converted to a Class A misdemeanor conviction.

(5) A record that the criminal history provider knows is inaccurate.

As added by P.L. 69-2012, SEC.1. Amended by P.L. 158-2013, SEC.273.

IC 24-4-18-7

Criminal history data updates

Sec. 7. (a) A criminal history provider may not knowingly include criminal history information in a criminal history report if the criminal history information fails to reflect material changes to the

official record occurring sixty (60) days or more before the date the criminal history report is delivered.

(b) A criminal history provider that provides a criminal history report and fails to reflect material criminal history information does not violate this section if the material criminal history information was not contained in the official record at least sixty (60) days before the date the criminal history report is delivered.

As added by P.L.69-2012, SEC.1. Amended by P.L.112-2013, SEC.5.

IC 24-4-18-8

Violation is deceptive act; application of the federal Fair Credit Reporting Act

Sec. 8. (a) A violation of section 6 or 7 of this chapter is a deceptive act that is actionable under IC 24-5-0.5-4.

(b) This section does not prohibit an individual from bringing an action on the individual's own behalf under the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

As added by P.L.69-2012, SEC.1. Amended by P.L.13-2013, SEC.64; P.L.112-2013, SEC.6.