



Introduced Version

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SENATE BILL No. 6

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-33-8.

Synopsis: Bail for violent arrestees. Defines "violent arrestee" and "minimum bail amount", and requires: (1) a court to review the probable cause affidavit or arrest warrant before releasing a violent arrestee on bail; (2) bail to be set following a hearing in open court; and (3) a violent arrestee released on bail to pay 100% of the minimum bail amount by cash deposit. Prohibits a third party who is not a close relative of the violent arrestee from posting bail for the violent arrestee.

Effective: July 1, 2022.

Young M, Sandlin, Freeman,  
Walker K, Crider

\_\_\_\_\_, read first time and referred to Committee on

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2022

LS 6483/DI 106



Introduced

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE BILL \_\_\_\_\_

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 35-33-8-3.2, AS AMENDED BY P.L.161-2018,  
2 SECTION 115, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2022]: Sec. 3.2. (a) After considering the results  
4 of the Indiana pretrial risk assessment system (if available), other  
5 relevant factors, and bail guidelines described in section 3.8 of this  
6 chapter, a court may admit a defendant to bail and, **except as provided**  
7 **in section 3.7 of this chapter**, impose any of the following conditions  
8 to assure the defendant's appearance at any stage of the legal  
9 proceedings, or, upon a showing of clear and convincing evidence that  
10 the defendant poses a risk of physical danger to another person or the  
11 community, to assure the public's physical safety:  
12 (1) Require the defendant to:  
13 (A) execute a bail bond with sufficient solvent sureties;  
14 (B) deposit cash or securities in an amount equal to the bail;  
15 (C) execute a bond secured by real estate in the county, where  
16 ~~thirty-three hundredths (0.33) of the true tax the assessed~~  
17 **value of the property** less encumbrances is at least equal to

2022

LS 6483/DI 106



1 the amount of the bail;  
 2 (D) post a real estate bond; or  
 3 (E) perform any combination of the requirements described in  
 4 clauses (A) through (D).

5 If the court requires the defendant to deposit cash or cash and  
 6 another form of security as bail, the court may require the  
 7 defendant and each person who makes the deposit on behalf of the  
 8 defendant to execute an agreement that allows the court to retain  
 9 all or a part of the cash to pay publicly paid costs of  
 10 representation and fines, costs, fees, and restitution that the court  
 11 may order the defendant to pay if the defendant is convicted. The  
 12 defendant must also pay the fee required by subsection (d).

13 (2) Require the defendant to execute:

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

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

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

37 (3) Impose reasonable restrictions on the activities, movements,  
 38 associations, and residence of the defendant during the period of  
 39 release.

40 (4) Except as provided in section 3.6 of this chapter, require the  
 41 defendant to refrain from any direct or indirect contact with an  
 42 individual and, if the defendant has been charged with an offense



- 1 under IC 35-46-3, any animal belonging to the individual,  
2 including if the defendant has not been released from lawful  
3 detention.
- 4 (5) Place the defendant under the reasonable supervision of a  
5 probation officer, pretrial services agency, or other appropriate  
6 public official. If the court places the defendant under the  
7 supervision of a probation officer or pretrial services agency, the  
8 court shall determine whether the defendant must pay the pretrial  
9 services fee under section 3.3 of this chapter.
- 10 (6) Release the defendant into the care of a qualified person or  
11 organization responsible for supervising the defendant and  
12 assisting the defendant in appearing in court. The supervisor shall  
13 maintain reasonable contact with the defendant in order to assist  
14 the defendant in making arrangements to appear in court and,  
15 where appropriate, shall accompany the defendant to court. The  
16 supervisor need not be financially responsible for the defendant.
- 17 (7) Release the defendant on personal recognizance unless:
- 18 (A) the state presents evidence relevant to a risk by the  
19 defendant:
- 20 (i) of nonappearance; or  
21 (ii) to the physical safety of the public; and
- 22 (B) the court finds by a preponderance of the evidence that the  
23 risk exists.
- 24 (8) Require a defendant charged with an offense under IC 35-46-3  
25 to refrain from owning, harboring, or training an animal.
- 26 (9) Impose any other reasonable restrictions designed to assure  
27 the defendant's presence in court or the physical safety of another  
28 person or the community.
- 29 (b) Within thirty (30) days after disposition of the charges against  
30 the defendant, the court that admitted the defendant to bail shall order  
31 the clerk to remit the amount of the deposit remaining under subsection  
32 (a)(2) to the defendant. The portion of the deposit that is not remitted  
33 to the defendant shall be deposited by the clerk in the supplemental  
34 public defender services fund established under IC 33-40-3.
- 35 (c) For purposes of subsection (b), "disposition" occurs when the  
36 indictment or information is dismissed or the defendant is acquitted or  
37 convicted of the charges.
- 38 (d) Except as provided in subsection (e), the clerk of the court shall:
- 39 (1) collect a fee of five dollars (\$5) from each bond or deposit  
40 required under subsection (a)(1); and  
41 (2) retain a fee of five dollars (\$5) from each deposit under  
42 subsection (a)(2).



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

6 (e) With the approval of the clerk of the court, the county sheriff  
 7 may collect the bail posted under this section. The county sheriff shall  
 8 remit the bail to the clerk of the court by the following business day  
 9 and remit monthly the five dollar (\$5) special death benefit fee to the  
 10 county auditor.

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

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

14 (2) the prosecuting attorney shall file a confidential form  
 15 prescribed or approved by the office of judicial administration  
 16 with the clerk.

17 SECTION 2. IC 35-33-8-3.5, AS AMENDED BY P.L.187-2017,  
 18 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2022]: Sec. 3.5. (a) This section applies only to a sexually  
 20 violent predator defendant. **The requirements of this section are in  
 21 addition to the requirements of section 3.7 of this chapter.**

22 (b) As used in this section, "sexually violent predator defendant"  
 23 means a person who:

24 (1) is a sexually violent predator under IC 35-38-1-7.5; and

25 (2) is arrested for or charged with the commission of an offense  
 26 that would classify the person as a sex or violent offender (as  
 27 defined in IC 11-8-8-5).

28 (c) A court may not admit a:

29 (1) sexually violent predator defendant;

30 (2) person charged with child molesting (IC 35-42-4-3); or

31 (3) person charged with child solicitation (IC 35-42-4-6);

32 to bail until the court has conducted a bail hearing in open court.  
 33 Except as provided in section 6 of this chapter, the court shall conduct  
 34 a bail hearing not later than forty-eight (48) hours after the person has  
 35 been arrested, unless exigent circumstances prevent holding the  
 36 hearing within forty-eight (48) hours.

37 (d) At the conclusion of the hearing described in subsection (c) and  
 38 after consideration of the bail guidelines described in section 3.8 of this  
 39 chapter, the court shall consider whether the factors described in  
 40 section 4 of this chapter warrant the imposition of a bail amount that  
 41 exceeds court or county guidelines, if applicable.

42 SECTION 3. IC 35-33-8-3.7 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 2022]: Sec. 3.7. (a) This section applies only to a violent arrestee.

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

4 (1) "Crime of violence" has the meaning set forth in  
5 IC 35-50-1-2(a).

6 (2) "Minimum bail amount" means:

7 (A) the bail amount prescribed for a particular offense in  
8 the court's bail schedule; or

9 (B) if the violent arrestee has a prior conviction for a crime  
10 of violence (as defined in IC 35-50-1-2(a)), twice the bail  
11 amount prescribed for a particular offense in the court's  
12 bail schedule for a violent arrestee without a prior  
13 conviction for a crime of violence,

14 as applicable.

15 (3) "Violent arrestee" means a person arrested for or charged  
16 with a crime of violence.

17 (c) A violent arrestee may not be released pursuant to a bail  
18 schedule, and may only be released on bail set individually by the  
19 court following a hearing held in open court. Before releasing a  
20 violent arrestee on bail, the court must review the probable cause  
21 affidavit or arrest warrant. If a court releases a violent arrestee on  
22 bail, the court must:

23 (1) impose bail in an amount that equals or exceeds the  
24 minimum bail amount for the offender's most serious offense;  
25 and

26 (2) require that the offender pay money bail for that portion  
27 of the bail that equals the minimum bail amount by paying a  
28 cash deposit equal to the minimum bail.

29 (d) A violent arrestee may not use a surety bond to pay money  
30 bail required under this section for that portion of the bail that  
31 equals the minimum bail amount.

32 (e) A third party may not pay money bail imposed under this  
33 section on behalf of a violent arrestee (even for the portion that  
34 exceeds the minimum bail amount) unless the third party is a close  
35 relative (as defined in IC 33-23-11-2) of the violent arrestee.

36 SECTION 4. IC 35-33-8-3.8, AS ADDED BY P.L.187-2017,  
37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2022]: Sec. 3.8. (a) A court shall consider the results of the  
39 Indiana pretrial risk assessment system (if available) before setting or  
40 modifying bail for an arrestee.

41 (b) If the court finds, based on the results of the Indiana pretrial risk  
42 assessment system (if available) and other relevant factors, that an



1 arrestee does not present a substantial risk of flight or danger to the  
2 arrestee or others, the court shall consider releasing the arrestee  
3 without money bail or surety, subject to restrictions and conditions as  
4 determined by the court, unless one (1) or more of the following apply:

- 5 (1) The arrestee is charged with ~~murder~~ **a crime of violence (as**  
6 **defined in IC 35-50-1-2(a))** or treason.
- 7 (2) The arrestee is on pretrial release not related to the incident  
8 that is the basis for the present arrest.
- 9 (3) The arrestee is on probation, parole, or other community  
10 supervision.

11 The court is not required to administer an assessment before releasing  
12 an arrestee if administering the assessment will delay the arrestee's  
13 release.

14 SECTION 5. IC 35-33-8-3.9, AS ADDED BY P.L.187-2017,  
15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2022]: Sec. 3.9. (a) If the court determines that an arrestee is  
17 to be held subject to money bail, the court is authorized to determine  
18 the amount of bail and, **except as provided in section 3.7 of this**  
19 **chapter**, whether the bail may be satisfied by surety bond or cash  
20 deposit.

21 (b) **Except as provided in section 3.7 of this chapter**, the court  
22 may set and accept a partial cash payment of the bail upon conditions  
23 set by the court, including the arrestee's agreement (and the agreement  
24 of a person who makes a cash payment on behalf of an arrestee, if  
25 applicable) that all court costs, fees, and expenses associated with the  
26 proceeding shall be paid from the partial payment.

27 (c) If the court authorizes the acceptance of a cash partial payment  
28 to satisfy bail, the court shall first secure the arrestee's agreement (and  
29 the agreement of a person who makes a cash payment on behalf of an  
30 arrestee, if applicable) that, in the event of failure to appear as  
31 scheduled, the deposit shall be forfeited and the arrestee must also pay  
32 any additional amounts needed to satisfy the full amount of bail plus  
33 associated court costs, fees, and expenses.

34 SECTION 6. IC 35-33-8-4, AS AMENDED BY P.L.187-2017,  
35 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2022]: Sec. 4. (a) The court shall order the amount in which  
37 a person charged by an indictment or information is to be held to bail,  
38 and the clerk shall enter the order on the order book and indorse the  
39 amount on each warrant when issued. If no order fixing the amount of  
40 bail has been made, the sheriff shall present the warrant to the judge of  
41 an appropriate court of criminal jurisdiction, and the judge shall  
42 indorse on the warrant the amount of bail.



1 (b) Bail may not be set higher than that amount reasonably required  
2 to assure the defendant's appearance in court or to assure the physical  
3 safety of another person or the community if the court finds by clear  
4 and convincing evidence that the defendant is a **violent arrestee (as**  
5 **defined in section 3.7 of this chapter) or otherwise** poses a risk to the  
6 physical safety of another person or the community. In setting and  
7 accepting an amount of bail, the judicial officer shall consider the bail  
8 guidelines described in section 3.8 of this chapter and take into account  
9 all facts relevant to the risk of nonappearance, including:

- 10 (1) the length and character of the defendant's residence in the
- 11 community;
- 12 (2) the defendant's employment status and history and the
- 13 defendant's ability to give bail;
- 14 (3) the defendant's family ties and relationships;
- 15 (4) the defendant's character, reputation, habits, and mental
- 16 condition;
- 17 (5) the defendant's criminal or juvenile record, insofar as it
- 18 demonstrates instability and a disdain for the court's authority to
- 19 bring the defendant to trial;
- 20 (6) the defendant's previous record in not responding to court
- 21 appearances when required or with respect to flight to avoid
- 22 criminal prosecution;
- 23 (7) the nature and gravity of the offense and the potential penalty
- 24 faced, insofar as these factors are relevant to the risk of
- 25 nonappearance;
- 26 (8) the source of funds or property to be used to post bail or to pay
- 27 a premium, insofar as it affects the risk of nonappearance;
- 28 (9) that the defendant is a foreign national who is unlawfully
- 29 present in the United States under federal immigration law; and
- 30 (10) any other factors, including any evidence of instability and
- 31 a disdain for authority, which might indicate that the defendant
- 32 might not recognize and adhere to the authority of the court to
- 33 bring the defendant to trial.

34 SECTION 7. IC 35-33-8-5, AS AMENDED BY P.L.111-2017,  
35 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2022]: Sec. 5. (a) Upon a showing of good cause, the state or  
37 the defendant may be granted an alteration or revocation of bail by  
38 application to the court before which the proceeding is pending. In  
39 reviewing a motion for alteration or revocation of bail, credible hearsay  
40 evidence is admissible to establish good cause.

- 41 (b) When the state presents additional:
- 42 (1) evidence relevant to a high risk of nonappearance, based on





1 the factors set forth in section 4(b) of this chapter; or

2 (2) clear and convincing evidence:

3 (A) of the factors described in IC 35-40-6-6(1)(A) and  
4 IC 35-40-6-6(1)(B); or

5 (B) that the defendant otherwise poses a risk to the physical  
6 safety of another person or the community;

7 the court may increase bail. If the additional evidence presented by the  
8 state is DNA evidence tending to show that the defendant committed  
9 additional crimes that were not considered at the time the defendant  
10 was admitted to bail, the court may increase or revoke bail.

11 (c) When the defendant presents additional evidence of substantial  
12 mitigating factors, based on the factors set forth in section 4(b) of this  
13 chapter, which reasonably suggests that the defendant recognizes the  
14 court's authority to bring the defendant to trial, the court may reduce  
15 bail. However, the court may not reduce bail if the court finds by clear  
16 and convincing evidence that the factors described in  
17 IC 35-40-6-6(1)(A) and IC 35-40-6-6(1)(B) exist or that the defendant  
18 otherwise poses a risk to the physical safety of another person or the  
19 community. **This section does not authorize the court to modify the**  
20 **money bail requirement described in section 3.7 of this chapter.**

21 (d) The court may revoke bail or an order for release on personal  
22 recognizance upon clear and convincing proof by the state that:

23 (1) while admitted to bail the defendant:

24 (A) or the defendant's agent threatened or intimidated a victim,  
25 prospective witnesses, or jurors concerning the pending  
26 criminal proceeding or any other matter;

27 (B) or the defendant's agent attempted to conceal or destroy  
28 evidence relating to the pending criminal proceeding;

29 (C) violated any condition of the defendant's current release  
30 order;

31 (D) failed to appear before the court as ordered at any critical  
32 stage of the proceedings; or

33 (E) committed a felony or a Class A misdemeanor that  
34 demonstrates instability and a disdain for the court's authority  
35 to bring the defendant to trial;

36 (2) the factors described in IC 35-40-6-6(1)(A) and  
37 IC 35-40-6-6(1)(B) exist or that the defendant otherwise poses a  
38 risk to the physical safety of another person or the community; or  
39 (3) a combination of the factors described in subdivisions (1) and  
40 (2) exists.







Introduced Version

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**SENATE BILL No. 7**

**DIGEST OF INTRODUCED BILL**

**Citations Affected:** IC 16-18-4-7; IC 21-39-4-6; IC 36-8-26.

**Synopsis:** Marion County crime reduction pilot. Establishes the Marion County crime reduction board (board) as part of the Marion County crime reduction pilot project. Allows the board to approve interoperability agreements between law enforcement agencies to expand the jurisdiction, duties, and responsibilities of law enforcement agencies operating in downtown Indianapolis.

**Effective:** July 1, 2022.

**Sandlin, Freeman, Walker K,  
Crider, Young M**

\_\_\_\_\_, read first time and referred to Committee on

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Introduced

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE BILL \_\_\_\_\_

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

- 1 SECTION 1. IC 16-18-4-7, AS AMENDED BY P.L.99-2017,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 7. (a) For purposes of this section, "property"  
4 includes the physical plant of a hospital, the surrounding grounds, and  
5 hospital satellite offices and facilities.  
6 (b) A hospital police officer appointed under this chapter may  
7 exercise the powers granted under this chapter only upon any property  
8 owned, leased, or occupied by the hospital, **or pursuant to the terms**  
9 **of an interoperability agreement approved under IC 36-8-26-5.**  
10 SECTION 2. IC 21-39-4-6, AS AMENDED BY P.L.30-2011,  
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2022]: Sec. 6. (a) A police officer may exercise the powers  
13 granted under this chapter as follows:  
14 (1) A police officer may exercise the officer's powers:  
15 (A) upon real property owned or occupied by the state  
16 educational institution employing the police officer, including  
17 the streets passing through and adjacent to the state



1 educational institution; and  
2 **(B) pursuant to the terms of an interoperability agreement**  
3 **approved under IC 36-8-26-5.**

4 (2) This subdivision applies only to a police officer who meets the  
5 minimum basic training and educational requirements adopted by  
6 the law enforcement training board under IC 5-2-1-9 as necessary  
7 for employment as a law enforcement officer. An institution may  
8 extend a police officer's territorial jurisdiction to the entire state,  
9 or to any part of the state, if:

10 (A) the board of trustees adopts a resolution specifically  
11 describing the territorial jurisdiction of a police officer  
12 appointed under this chapter; and

13 (B) the board of trustees notifies the:  
14 (i) superintendent of the state police department; and  
15 (ii) sheriff of the county in which the institution is primarily  
16 located (or the chief of police of the consolidated city, if the  
17 institution is primarily located in a consolidated city);  
18 of the boundaries of the extended territorial jurisdiction.

19 The institution shall provide the persons described in clause (B)(i)  
20 and (B)(ii) with notice of the extended jurisdiction every two (2)  
21 years, by January 31 of the second year.

22 (b) If a police officer appointed under this section exercises the  
23 officer's police powers outside of the county in which the institution is  
24 primarily located, the officer shall notify the sheriff (or, in the case of  
25 a consolidated city, the chief of police) as soon as practicable.

26 SECTION 3. IC 36-8-26 IS ADDED TO THE INDIANA CODE AS  
27 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
28 1, 2022]:

29 **Chapter 26. Marion County Crime Reduction Pilot Project**

30 **Sec. 1. The following definitions apply throughout this chapter:**

31 (1) "Board" means the Marion County crime reduction board  
32 established by section 2 of this chapter.

33 (2) "Downtown district" means the area bounded by:

34 (A) on the south:

35 (i) Morris Street from the White River to Prospect  
36 Street; and

37 (ii) Prospect Street going east from Morris Street to  
38 Interstate I-65 north;

39 (B) on the west, the White River from Morris Street to  
40 10th Street;

41 (C) on the east, Interstate I-65 north from Prospect Street  
42 to Interstate I-70 east; and



- 1                   **(D) on the north:**  
 2                    (i) Fall Creek from the White River to Indiana Avenue;  
 3                    (ii) 10th Street from Indiana Avenue to Brooks Street;  
 4                    (iii) Oscar Robertson Boulevard/11th Street from Brooks  
 5                    Street to the northbound exit onto Interstate I-65 south  
 6                    from Martin Luther King Boulevard;  
 7                    (iv) the northbound exit onto Interstate I-65 south from  
 8                    Martin Luther King Boulevard to Capitol Avenue; and  
 9                    (v) Interstate I-65 south from Capitol Avenue to  
 10                   Interstate I-70 east.
- 11                   (3) "Interoperability agreement" means an agreement  
 12                   between two (2) or more members of the board that increases  
 13                   the jurisdiction, duties, or responsibilities of a law  
 14                   enforcement agency supervised or operated by a member of  
 15                   the board.
- 16                   **Sec. 2. (a) The Marion County crime reduction board is**  
 17                   **established. The board consists of the following members or their**  
 18                   **designees:**
- 19                    (1) The police chief of the Indianapolis metropolitan police  
 20                    department.  
 21                    (2) The executive director of the department of homeland  
 22                    security.  
 23                    (3) The police chief of the Indiana University police  
 24                    department at the Indianapolis campus.  
 25                    (4) The superintendent of the state police department.  
 26                    (5) A member of the capitol police section of the state police  
 27                    department appointed by the superintendent of the Indiana  
 28                    state police department.  
 29                    (6) The sheriff of Marion County.  
 30                    (7) A law enforcement officer of the United States Federal  
 31                    Protective Service assigned to Indianapolis, appointed by the  
 32                    chief judge of the United States District Court for the  
 33                    Southern District of Indiana. The member appointed under  
 34                    this subdivision serves as a nonvoting member.  
 35                    (8) The security manager for the Indiana convention center  
 36                    and Lucas Oil stadium.  
 37                    (9) The director for executive protection for Pacers  
 38                    basketball.  
 39                    (10) The executive director of the Indiana criminal justice  
 40                    institute.  
 41                    (11) A railroad police officer, appointed by the commissioner  
 42                    of the Indiana department of transportation. The member



1 appointed under this subdivision serves as a nonvoting  
2 member.

3 (12) An Indiana excise police officer, appointed by the  
4 chairperson of the alcohol and tobacco commission.

5 (13) The security director (or equivalent) from each hospital:

6 (A) having a facility located:

7 (i) in the downtown district; or

8 (ii) on a street that forms the border of the downtown  
9 district, even if the facility is located on the side of the  
10 street outside the downtown district; and

11 (B) with a hospital police department.

12 (14) The director of the department of natural resources.

13 (15) The police chief of the Indianapolis airport authority  
14 police department.

15 (16) The security director of Downtown Indianapolis, Inc.

16 (b) The board shall be hosted by the Indianapolis metropolitan  
17 police department, which shall administratively support the board.

18 (c) The purpose of the board is to improve the safety and  
19 security of Indianapolis for its residents, workers, businesses, and  
20 visitors. The board shall propose, review, and approve  
21 interoperability agreements relating to the jurisdiction, duties, and  
22 responsibilities of law enforcement agencies as described in section  
23 5 of this chapter.

24 (d) A majority of the voting members of the board constitutes  
25 a quorum to do business.

26 (e) A majority of the voting members is required to take any  
27 official action, including approval of an interoperability  
28 agreement.

29 (f) A member of the board is not entitled to:

30 (1) the minimum salary per diem provided by  
31 IC 4-10-11-2.1(b); or

32 (2) reimbursement for traveling and other expenses as  
33 provided under IC 4-13-1-4.

34 (g) The Indiana criminal justice institute shall seek federal  
35 grants and other funding to support the board in carrying out its  
36 purpose.

37 Sec. 3. (a) The police chief of the Indianapolis metropolitan  
38 police department shall organize the first meeting of the board,  
39 which must occur before November 1, 2022.

40 (b) At the first meeting, the board shall select two (2) persons to  
41 serve as cochairpersons.

42 Sec. 4. (a) One (1) or both chairpersons are the presiding



1 officers at the meetings of the board. The cochairpersons shall  
2 jointly prepare, certify, and authenticate all proceedings, minutes,  
3 records, rules, and regulations of the board.

4 (b) The board has the general power to organize its work and to  
5 enforce and administer this chapter.

6 (c) After its initial meeting, the board meets at the call of either  
7 chairperson.

8 Sec. 5. The board may propose, review, and approve an  
9 interoperability agreement. However, the board may not approve  
10 an interoperability agreement:

11 (1) that increases the jurisdiction of a law enforcement agency  
12 beyond the downtown district; or

13 (2) if the board member who supervises or operates the law  
14 enforcement agency whose jurisdiction, duties, or  
15 responsibilities will be increased does not vote in favor of the  
16 interoperability agreement (or, in the case of a nonvoting  
17 member, does not affirmatively indicate the member's assent  
18 to the interoperability agreement).

19 An interoperability agreement expires not later than December 31,  
20 2027.

21 Sec. 6. Notwithstanding any other law, if there is a conflict  
22 between a statute and an interoperability agreement, the terms of  
23 the interoperability agreement apply.

24 Sec. 7. Before November 1, 2023, and before November 1 of  
25 every year thereafter, the board shall send a report of its activities  
26 to the legislative council. The report must be in an electronic  
27 format under IC 5-14-6.

28 Sec. 8. This chapter expires December 31, 2027.







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**SENATE BILL No. 8**

**DIGEST OF INTRODUCED BILL**

**Citations Affected:** IC 27-10-2; IC 35-33-8.

**Synopsis:** Nonprofit bail funding. Allows a charitable organization to pay bail on behalf of a defendant if the organization meets certain criteria. Exempts from the certification requirement a charitable organization that pays bail for not more than two individuals in any 180 day period. Provides that if money or bonds have been set, bail by surety may be substituted for the money or bonds at any time before a breach. Prohibits the state and a political subdivision from: (1) posting bail for any person; or (2) providing a grant to any entity that provides funding for any person. Requires a court to apply the bail to certain court costs. Prohibits an entity that has received a grant from the state or a political subdivision from posting bail for any person or providing a grant, directly or indirectly, to an entity that posts bail for any person.

**Effective:** Upon passage; July 1, 2022.

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**Freeman, Walker K, Crider,  
Young M, Sandlin**

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\_\_\_\_\_, read first time and referred to Committee on

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Introduced

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE BILL \_\_\_\_\_

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

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

1 SECTION 1. IC 27-10-2-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Every surety for  
3 the release of a person on bail shall be qualified as:  
4 (1) an insurer as defined and meeting the qualifications prescribed  
5 in IC 27-1-5-1, and represented by a bail agent as defined in and  
6 meeting the qualifications prescribed in this article; or  
7 (2) a person who:  
8 (A) has reached the age of eighteen (18) years;  
9 (B) is a citizen of the United States;  
10 (C) has been a bona fide resident of Indiana for at least one (1)  
11 year immediately preceding the execution of the bond;  
12 (D) is related to the person for whom release on bail is sought  
13 within the third degree of affinity; and  
14 (E) owns real or tangible personal property in Indiana with a  
15 net asset value that is acceptable to the proper authority  
16 approving the bond; or  
17 (3) a charitable bail organization (as defined in section 4.5(a))

2022

LS 6507/DI 149



1 of this chapter), if the charitable bail organization:

2 (A) is certified by the commissioner; or

3 (B) posts bail for not more than two (2) individuals in a one  
4 hundred eighty (180) day period.

5 SECTION 2. IC 27-10-2-4.5 IS ADDED TO THE INDIANA CODE  
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]: Sec. 4.5. (a) As used in this section, "charitable  
8 bail organization" means a person that:

9 (1) solicits or accepts donations from the public; and

10 (2) agrees to deposit money for bail for another person.

11 (b) For purposes of section 4 of this chapter, the commissioner  
12 may certify a person as a charitable bail organization if the person:

13 (1) is a nonprofit charitable organization under Section  
14 501(c)(3) of the Internal Revenue Code;

15 (2) is currently registered to do business in Indiana;

16 (3) is located in Indiana; and

17 (4) exists for the purpose of depositing cash bail of two  
18 thousand dollars (\$2,000) or less for an indigent person  
19 charged with a misdemeanor.

20 (c) A person may apply for certification under this section in  
21 accordance with rules adopted under this section.

22 (d) The commissioner shall certify a person as a charitable bail  
23 organization if the:

24 (1) person pays an application fee of three hundred dollars  
25 (\$300);

26 (2) person meets the requirements of this section; and

27 (3) person, including an officer or director of the person, has  
28 not engaged in conduct that:

29 (A) constitutes fraud, dishonesty, or deception;

30 (B) constitutes malfeasance, misfeasance, or nonfeasance  
31 in dealing with money; or

32 (C) resulted in the suspension or revocation of a previous  
33 certification.

34 (e) A charitable bail certification is valid for two (2) years from  
35 the date of issuance and may be renewed upon payment of a  
36 renewal fee of three hundred dollars (\$300). If a person applies for  
37 renewal before the expiration of the existing certification, the  
38 existing certification remains valid until the commissioner renews  
39 the certification, or until five (5) days after the commissioner  
40 denies the application for renewal. A person is entitled to renewal  
41 unless the commissioner denies the application for renewal under  
42 subsection (f).



1 (f) The commissioner may suspend, revoke, or refuse to renew  
2 a certification if the commissioner finds that the:

3 (1) person no longer qualifies as a charitable bail organization  
4 under this section, or does not otherwise meet the  
5 requirements of this section;

6 (2) person violated a requirement under subsection (g); or

7 (3) person, including an officer or director of the person, has  
8 engaged in conduct that constitutes:

9 (A) fraud, dishonesty, or deception; or

10 (B) malfeasance, misfeasance, or nonfeasance in dealing  
11 with money.

12 (g) A charitable bail organization must comply with all of the  
13 following:

14 (1) If the charitable bail organization pays, or intends to pay,  
15 bail for more than two (2) individuals in any one hundred  
16 eighty (180) day period, the charitable bail organization must  
17 be:

18 (A) certified by the commissioner under this section; and

19 (B) represented by a bail agent;

20 before soliciting or accepting donations for bail for another  
21 person and before depositing money for bail for another  
22 person.

23 (2) If the charitable bail organization is not certified under  
24 this section, the charitable bail organization may pay bail for  
25 not more than two (2) individuals in any one hundred eighty  
26 (180) day period.

27 (3) A charitable bail organization may only deposit cash bail  
28 of two thousand dollars (\$2,000) or less for an indigent person  
29 charged with a misdemeanor. A charitable bail organization  
30 may not pay bail for a defendant charged with a felony, even  
31 if the defendant is also charged with a misdemeanor.

32 (4) A charitable bail organization may not execute a surety  
33 bond for a defendant.

34 (5) A charitable bail organization shall, before paying bail for  
35 an individual, execute the agreement described in  
36 IC 35-33-8-3.2.

37 (6) A charitable bail organization and the court shall comply  
38 with the requirements of IC 35-33-8-3.2(g).

39 (7) A charitable bail organization may not charge a premium  
40 or receive any consideration for acting as a charitable bail  
41 organization.

42 (h) If an individual fails to appear the bail shall be forfeited in



1 the manner described in IC 35-33-8-7 and the court shall take the  
2 steps described in 35-33-8-8.

3 (i) All fees collected under this section shall be deposited in the  
4 state general fund.

5 (j) The commissioner shall adopt rules under IC 4-22-2 to  
6 implement this section.

7 SECTION 3. IC 27-10-2-15 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. If money or  
9 bonds have been ~~deposited; set,~~ bail by sureties may be substituted  
10 ~~therefor~~ at any time before a breach of the undertaking, and the official  
11 taking the new bail shall make an order that the money or bonds be  
12 refunded to the person depositing the ~~same money or bonds~~ and ~~they~~  
13 ~~the money or bonds~~ shall be refunded accordingly and the original  
14 undertakings shall be ~~cancelled; canceled.~~

15 SECTION 4. IC 35-33-8-0.6 IS ADDED TO THE INDIANA CODE  
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
17 UPON PASSAGE]: Sec. 0.6. (a) Neither the state nor a political  
18 subdivision (as defined in IC 36-1-2-13) may:

19 (1) post bail for any person; or

20 (2) provide a grant or other funding to an entity that posts  
21 bail for any person.

22 (b) No entity that has received a grant or funding from the state  
23 or a political subdivision (as defined in IC 36-1-2-13) may:

24 (1) post bail for any person; or

25 (2) provide a grant or other funding, directly or through  
26 another entity, to an entity that posts bail for any person.

27 SECTION 5. IC 35-33-8-3.2, AS AMENDED BY P.L.161-2018,  
28 SECTION 115, IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2022]: Sec. 3.2. (a) After considering the results  
30 of the Indiana pretrial risk assessment system (if available), other  
31 relevant factors, and bail guidelines described in section 3.8 of this  
32 chapter, a court may admit a defendant to bail and impose any of the  
33 following conditions to assure the defendant's appearance at any stage  
34 of the legal proceedings, or, upon a showing of clear and convincing  
35 evidence that the defendant poses a risk of physical danger to another  
36 person or the community, to assure the public's physical safety:

37 (1) Require the defendant to:

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

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

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



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- (D) post a real estate bond; or
- (E) perform any combination of the requirements described in clauses (A) through (D).

If the court requires the defendant to deposit cash or cash and another form of security as bail, the court may require the defendant and each person who makes the deposit on behalf of the defendant to execute an agreement that allows the court to retain all or a part of the cash to pay publicly paid costs of representation and fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted. The defendant must also pay the fee required by subsection (d).

(2) Require the defendant to execute:

- (A) a bail bond by depositing cash or securities with the clerk of the court in an amount not less than ten percent (10%) of the bail; and
- (B) an agreement that allows the court to retain all or a part of the cash or securities to pay fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted.

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

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

(4) Except as provided in section 3.6 of this chapter, require the defendant to refrain from any direct or indirect contact with an individual and, if the defendant has been charged with an offense under IC 35-46-3, any animal belonging to the individual,



- 1 including if the defendant has not been released from lawful  
2 detention.
- 3 (5) Place the defendant under the reasonable supervision of a  
4 probation officer, pretrial services agency, or other appropriate  
5 public official. If the court places the defendant under the  
6 supervision of a probation officer or pretrial services agency, the  
7 court shall determine whether the defendant must pay the pretrial  
8 services fee under section 3.3 of this chapter.
- 9 (6) Release the defendant into the care of a qualified person or  
10 organization responsible for supervising the defendant and  
11 assisting the defendant in appearing in court. The supervisor shall  
12 maintain reasonable contact with the defendant in order to assist  
13 the defendant in making arrangements to appear in court and,  
14 where appropriate, shall accompany the defendant to court. The  
15 supervisor need not be financially responsible for the defendant.
- 16 (7) Release the defendant on personal recognizance unless:
- 17 (A) the state presents evidence relevant to a risk by the  
18 defendant:
- 19 (i) of nonappearance; or  
20 (ii) to the physical safety of the public; and
- 21 (B) the court finds by a preponderance of the evidence that the  
22 risk exists.
- 23 (8) Require a defendant charged with an offense under IC 35-46-3  
24 to refrain from owning, harboring, or training an animal.
- 25 (9) Impose any other reasonable restrictions designed to assure  
26 the defendant's presence in court or the physical safety of another  
27 person or the community.
- 28 (b) Within thirty (30) days after disposition of the charges against  
29 the defendant, the court that admitted the defendant to bail shall order  
30 the clerk to remit the amount of the deposit remaining under subsection  
31 (a)(2) to the defendant. The portion of the deposit that is not remitted  
32 to the defendant shall be deposited by the clerk in the supplemental  
33 public defender services fund established under IC 33-40-3.
- 34 (c) For purposes of subsection (b), "disposition" occurs when the  
35 indictment or information is dismissed or the defendant is acquitted or  
36 convicted of the charges.
- 37 (d) Except as provided in subsection (e), the clerk of the court shall:
- 38 (1) collect a fee of five dollars (\$5) from each bond or deposit  
39 required under subsection (a)(1); and  
40 (2) retain a fee of five dollars (\$5) from each deposit under  
41 subsection (a)(2).
- 42 The clerk of the court shall semiannually remit the fees collected under



1 this subsection to the board of trustees of the Indiana public retirement  
 2 system for deposit in the special death benefit fund. The fee required  
 3 by subdivision (2) is in addition to the administrative fee retained under  
 4 subsection (a)(2).

5 (e) With the approval of the clerk of the court, the county sheriff  
 6 may collect the bail posted under this section. The county sheriff shall  
 7 remit the bail to the clerk of the court by the following business day  
 8 and remit monthly the five dollar (\$5) special death benefit fee to the  
 9 county auditor.

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

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

13 (2) the prosecuting attorney shall file a confidential form  
 14 prescribed or approved by the office of judicial administration  
 15 with the clerk.

16 **(g) This subsection applies only to bail paid by a charitable bail**  
 17 **organization as defined by IC 27-10-2-4.5(a). If bail is paid by a**  
 18 **charitable bail organization, the court shall:**

19 **(1) require the charitable bail organization to execute an**  
 20 **agreement requiring the court to retain all or part of the bail**  
 21 **to pay publically paid costs of representation and fines, costs,**  
 22 **fees, probation fees, and restitution that the court has ordered**  
 23 **the defendant to pay; and**

24 **(2) retain all or part of the bail to pay publically paid costs of**  
 25 **representation and fines, costs, fees, probation fees, and**  
 26 **restitution that the court has ordered the defendant to pay.**

27 SECTION 6. An emergency is declared for this act.







Introduced Version

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**SENATE BILL No. 9**

DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2-205; IC 35-33-8; IC 35-38; IC 35-44.1-3-4.

**Synopsis:** Electronic monitoring standards. Establishes standards, including staffing minimums and notification time frames, for persons and entities responsible for monitoring individuals required to wear a monitoring device as a condition of probation, parole, pretrial release, or community corrections. Makes conforming amendments. Provides that a defendant commits escape if the defendant disables or interferes with the operation of an electronic monitoring device. (Under current law, the defendant commits the offense by removing an electronic monitoring device.) Requires a court to revoke the bail of a defendant who commits escape.

**Effective:** July 1, 2022.

**Walker K, Crider, Young M,  
Sandlin, Freeman**

\_\_\_\_\_, read first time and referred to Committee on

20221850

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LS 6480/DI 106



Introduced

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE BILL \_\_\_\_\_

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 35-31.5-2-205, AS ADDED BY P.L.114-2012,  
2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 205. "Monitoring device", for purposes of  
4 IC 35-33-8-11, IC 35-38-2.5, and IC 35-38-2.7, has the meaning set  
5 forth in IC 35-38-2.5-3.
- 6 SECTION 2. IC 35-33-8-5, AS AMENDED BY P.L.111-2017,  
7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2022]: Sec. 5. (a) Upon a showing of good cause, the state or  
9 the defendant may be granted an alteration or revocation of bail by  
10 application to the court before which the proceeding is pending. In  
11 reviewing a motion for alteration or revocation of bail, credible hearsay  
12 evidence is admissible to establish good cause.
- 13 (b) When the state presents additional:  
14 (1) evidence relevant to a high risk of nonappearance, based on  
15 the factors set forth in section 4(b) of this chapter; or  
16 (2) clear and convincing evidence:  
17 (A) of the factors described in IC 35-40-6-6(1)(A) and



1 IC 35-40-6-6(1)(B); or  
 2 (B) that the defendant otherwise poses a risk to the physical  
 3 safety of another person or the community;  
 4 the court may increase bail. If the additional evidence presented by the  
 5 state is DNA evidence tending to show that the defendant committed  
 6 additional crimes that were not considered at the time the defendant  
 7 was admitted to bail, the court may increase or revoke bail.

8 (c) When the defendant presents additional evidence of substantial  
 9 mitigating factors, based on the factors set forth in section 4(b) of this  
 10 chapter, which reasonably suggests that the defendant recognizes the  
 11 court's authority to bring the defendant to trial, the court may reduce  
 12 bail. However, the court may not reduce bail if the court finds by clear  
 13 and convincing evidence that the factors described in  
 14 IC 35-40-6-6(1)(A) and IC 35-40-6-6(1)(B) exist or that the defendant  
 15 otherwise poses a risk to the physical safety of another person or the  
 16 community.

17 (d) The court may revoke bail or an order for release on personal  
 18 recognizance upon clear and convincing proof by the state that:

19 (1) while admitted to bail the defendant:

20 (A) or the defendant's agent threatened or intimidated a victim,  
 21 prospective witnesses, or jurors concerning the pending  
 22 criminal proceeding or any other matter;

23 (B) or the defendant's agent attempted to conceal or destroy  
 24 evidence relating to the pending criminal proceeding;

25 (C) violated any condition of the defendant's current release  
 26 order;

27 (D) failed to appear before the court as ordered at any critical  
 28 stage of the proceedings; or

29 (E) committed a felony or a Class A misdemeanor that  
 30 demonstrates instability and a disdain for the court's authority  
 31 to bring the defendant to trial;

32 (2) the factors described in IC 35-40-6-6(1)(A) and  
 33 IC 35-40-6-6(1)(B) exist or that the defendant otherwise poses a  
 34 risk to the physical safety of another person or the community; or

35 (3) a combination of the factors described in subdivisions (1) and  
 36 (2) exists.

37 (e) **The court shall revoke bail or an order for release on**  
 38 **personal recognizance upon clear and convincing proof by the state**  
 39 **that:**

40 (1) **the defendant is charged with a crime of violence (as**  
 41 **defined in IC 35-50-1-2); and**

42 (2) **while admitted to bail, the defendant committed escape (IC**



1           35-44.1-3-4), regardless of whether the defendant is charged  
2           with the offense.

3           **If the court revokes a defendant's bail under this subsection, the**  
4           **court may not release the defendant on bail until the final**  
5           **disposition the defendant's case.**

6           SECTION 3. IC 35-33-8-11, AS AMENDED BY P.L.114-2012,  
7           SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8           JULY 1, 2022]: Sec. 11. (a) A court may require a person who has been  
9           charged with a crime of domestic violence (as described in  
10          IC 35-31.5-2-78) to wear a **GPS tracking monitoring** device as a  
11          condition of bail.

12          (b) A court may order a person who is required to wear a **GPS**  
13          **tracking monitoring** device under subsection (a) to pay any costs  
14          associated with the **GPS tracking monitoring** device.

15          SECTION 4. IC 35-38-2.5-3, AS AMENDED BY P.L.170-2014,  
16          SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17          JULY 1, 2022]: Sec. 3. (a) As used in this chapter, "monitoring device"  
18          means an electronic device that:

19           (1) can record or transmit information twenty-four (24) hours  
20           each day regarding an offender's

21           (A) ~~presence or absence from the offender's home;~~ or

22           (B) precise location;

23           (2) is minimally intrusive upon the privacy of the offender or  
24           other persons residing in the offender's home;

25           (3) with the written consent of the offender and with the written  
26           consent of other persons residing in the home at the time an order  
27           for home detention is entered, may record or transmit:

28           (A) a visual image;

29           (B) an electronic communication or any sound; or

30           (C) information regarding the offender's activities while inside  
31           the offender's home; and

32           (4) can notify a probation department, a community corrections  
33           program, **the parole board, a pretrial services agency,** or a  
34           contract agency if the offender violates the terms of a home  
35           detention order.

36          (b) The term includes any device that can reliably determine the  
37          location of an offender and track the locations where the offender has  
38          been, including a device that uses a global positioning system satellite  
39          service.

40          (c) The term does not include an unmanned aerial vehicle (as  
41          defined in IC 35-31.5-2-342.3).

42          SECTION 5. IC 35-38-2.7 IS ADDED TO THE INDIANA CODE



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AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2022]:

**Chapter 2.7. Electronic Monitoring Standards**

**Sec. 1. The following definitions apply throughout this chapter:**

(1) "Monitor" means the person responsible for tracking an individual's location by means of a monitoring device. The term includes:

(A) a supervising agency, if employees of a supervising agency conduct the tracking; or

(B) a third party contractor, if the supervising agency has contracted with a third party to conduct the tracking.

(2) "Monitoring device" has the meaning set forth in IC 35-38-2.5-3.

(3) "Supervising agency" means:

(A) a court, in the case of an individual who is required to wear a monitoring device as a condition of probation or pretrial release;

(B) a community corrections program, in the case of an individual who is required to wear a monitoring device as a condition of community corrections; or

(C) the parole board, in the case of an individual who is required to wear a monitoring device as a condition of parole.

(4) "Tracked individual" means an individual required to wear a monitoring device.

**Sec. 2. A monitor must do the following:**

(1) Require that at least one (1) employee per twenty-nine (29) tracked individuals by the monitor be on duty and actively tracking the individuals assigned to the employee as the primary responsibility of the employee.

(2) Provide notification to the supervising agency as soon as possible, but not later than fifteen (15) minutes, after a tracked individual is unaccounted for, has left an approved location, or has otherwise violated a condition imposed by the supervising agency. In addition, the monitor shall notify:

(A) the victim, if applicable; and

(B) local law enforcement;

in accordance with the protocol adopted by the supervising agency under section 3 of this chapter.

(3) Verify the location of each tracked individual through in person contact on a random basis at least one (1) time per month.



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- Sec. 3. A supervising agency must do the following:**
- (1) Establish conditions relating to approved and unapproved locations for each tracked individual under the supervising agency's supervision.**
  - (2) Communicate the conditions described in subdivision (1) to the monitor.**
  - (3) Develop and establish a protocol for the monitor to use in contacting the supervising agency, victim, and local law enforcement with respect to a violation by a tracked individual.**
  - (4) Develop and publish a policy prohibiting certain relationships between a tracked individual and a monitor and employees of a monitor, including:**
    - (A) personal associations and relationships; and**
    - (B) business relationships.**
  - (5) Develop or approve detailed contingency plans for the monitor's operation in case of natural disaster, power outage, loss of telephone service, fire, flood, equipment malfunction, death, incapacitation, or personal emergency of a monitor, and, in the case of a third party contractor, the financial insolvency of the monitor.**

- Sec. 4. A monitor that is a third party contractor:**
- (1) may not employ or be owned by any person convicted of a felony within the previous seven (7) years; and**
  - (2) may not employ an individual who was a tracked individual within the previous one (1) year.**

- Sec. 5. The supervising agency shall:**
- (1) inform the tracked individual's victim of where the tracked individual is permitted and not permitted to be;**
  - (2) if the victim wishes to be informed if the tracked individual leaves an approved location, obtain the best manner of contacting the victim from the victim and provide this information to the monitor; and**
  - (3) advise the victim that events such as power outages, Internet outages, and natural disasters may interfere with the ability of the monitor to notify the victim in a timely manner.**

**Sec. 6. Upon notification from a monitor under section 2 of this chapter that a tracked individual has left an approved location, is unaccounted for, or has otherwise violated a condition of supervision, a local law enforcement agency shall, as soon as possible, but not later than fifteen (15) minutes after notification, dispatch a law enforcement officer to apprehend the tracked**



1 individual, unless exigent circumstances exist.

2 Sec. 7. (a) This subsection applies to contracts entered into and  
3 renewed after June 30, 2022. In addition to any penalties described  
4 in the contract, a supervising agency may cancel the contract of a  
5 third party contractor that fails to comply with the requirements  
6 of this chapter.

7 (b) If:

8 (1) the supervising agency is a court; and

9 (2) the supervising agency has:

10 (A) canceled a contract under this section; or

11 (B) determined that it will not renew its contract with the  
12 third party contractor due to the contractor's  
13 performance;

14 the supervising agency shall inform the office of judicial  
15 administration of its act or determination, along with a description  
16 of its reasons. The office of judicial administration shall inform  
17 every court that may act as a supervising agency of the identity of  
18 the third party contractor, of the act or determination made by the  
19 supervising agency, and of the reasons for the act or determination  
20 by the supervising agency.

21 SECTION 6. IC 35-44.1-3-4, AS AMENDED BY P.L.158-2013,  
22 SECTION 511, IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) A person, except as provided  
24 in subsection (b), who intentionally flees from lawful detention  
25 commits escape, a Level 5 felony. However, the offense is a Level 4  
26 felony if, while committing it, the person draws or uses a deadly  
27 weapon or inflicts bodily injury on another person.

28 (b) A person who knowingly or intentionally violates a home  
29 detention order or intentionally removes, **disables, or interferes with**  
30 **the operation of** an electronic monitoring device or GPS tracking  
31 device commits escape, a Level 6 felony.

32 (c) A person who knowingly or intentionally fails to return to lawful  
33 detention following temporary leave granted for a specified purpose or  
34 limited period commits failure to return to lawful detention, a Level 6  
35 felony. However, the offense is a Level 5 felony if, while committing  
36 it, the person draws or uses a deadly weapon or inflicts bodily injury on  
37 another person.









Introduced Version

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**SENATE BILL No. 10**

DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-6; IC 10-13-2-5.

**Synopsis:** Marion County violent crime reduction pilot. Establishes the: (1) Marion County violent crime reduction pilot project; and (2) Marion County violent crime reduction pilot project fund; to identify violent crime reduction districts in Marion County and to provide grants for overtime and additional law enforcement services in the violent crime reduction districts. Defines "violent crime reduction district".

**Effective:** July 1, 2022.

**Crider, Young M, Sandlin,  
Freeman, Walker K**

\_\_\_\_\_, read first time and referred to Committee on

20221851

2022

LS 6479/DI 106



Introduced

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE BILL \_\_\_\_\_

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

- 1 SECTION 1. IC 5-2-6-26 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2022]: Sec. 26. (a) The following definitions apply throughout  
4 this section:  
5 (1) "Department" means the Indianapolis Marion County  
6 metropolitan police department.  
7 (2) "Institute" means the Indiana criminal justice institute.  
8 (3) "Pilot project" means the Marion County violent crime  
9 reduction pilot project established by subsection (b).  
10 (4) "Violent crime rate" means the violent crime rate as:  
11 (A) reported by the most recent edition of the Uniform  
12 Crime Reporting System of the Federal Bureau of  
13 Investigation; or  
14 (B) reported by the criminal justice data division of the  
15 state police using the same methodology as the Uniform  
16 Crime Reporting System of the Federal Bureau of  
17 Investigation, if the report under this clause is more recent



1 than the report under clause (A).

2 (5) "Violent crime reduction district" means a defined  
3 geographical area within Marion County consisting of one (1)  
4 or more contiguous census tracts in which the violent crime  
5 rate is at least thirty-five percent (35%) higher than the  
6 violent crime rate in the county as a whole.

7 (b) The Marion County violent crime reduction pilot project is  
8 established. The purpose of the pilot project is to establish a grant  
9 program to provide funding to law enforcement in Marion County  
10 to permit additional law enforcement services within specified  
11 violent crime reduction districts, with the overall goal of reducing  
12 violent crime.

13 (c) The institute may accept an application for a grant to  
14 provide additional funding to the department or another law  
15 enforcement agency operating within Marion County, to permit  
16 additional law enforcement services within one (1) or more violent  
17 crime reduction districts. The department or another law  
18 enforcement agency applying for a grant under this section must  
19 include the following information:

20 (1) A description of each violent crime reduction district for  
21 which a grant is sought, including the boundaries of each  
22 violent crime reduction district.

23 (2) Data showing the violent crime rate in each census tract  
24 comprising the violent crime reduction district.

25 (3) A narrative description of the:

26 (A) type of criminal activity occurring in each violent  
27 crime reduction district; and

28 (B) manner in which the grant will be used.

29 (4) Any other information required by the institute.

30 (d) If the institute approves a grant application, the institute  
31 shall provide a grant from the Marion County violent crime  
32 reduction pilot project fund established by section 27 of this  
33 chapter. Grant funding may be used for overtime and other  
34 expenses related to the purposes of the grant and incurred in  
35 providing additional law enforcement services in a violent crime  
36 reduction district, but it may not be used to replace other funding  
37 of law enforcement services.

38 (e) The total value of all grants awarded under this section may  
39 not exceed five hundred thousand dollars (\$500,000) per state fiscal  
40 year.

41 (f) The institute may seek additional funding sources, including  
42 federal grants, to fund the Marion County violent crime reduction



1 pilot project fund established by section 27 of this chapter.

2 (g) The institute shall, before November 1, 2022, and before  
3 November 1 of each year thereafter, provide a report of its  
4 activities to the legislative council. The report to the legislative  
5 council must be in an electronic format under IC 5-14-6.

6 (h) This section expires December 31, 2027.

7 SECTION 2. IC 5-2-6-27 IS ADDED TO THE INDIANA CODE  
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 2022]: Sec. 27. (a) The Marion County violent crime reduction  
10 pilot project fund is established to carry out the purposes of the  
11 Marion County violent crime reduction pilot project described in  
12 section 26 of this chapter. Money in the fund may be used only to  
13 carry out the purposes of the fund.

14 (b) The fund shall be administered by the Indiana criminal  
15 justice institute.

16 (c) The fund consists of:

- 17 (1) appropriations from the general assembly;
- 18 (2) other appropriations;
- 19 (3) grants; and
- 20 (4) donations.

21 (d) The expenses of administering the fund shall be paid from  
22 money in the fund.

23 (e) The treasurer of state shall invest the money in the fund not  
24 currently needed to meet the obligations of the fund in the same  
25 manner as other public money may be invested. Interest that  
26 accrues from these investments shall be deposited in the fund.

27 (f) Except as provided in subsection (g), money in the fund at the  
28 end of a state fiscal year does not revert to the state general fund.

29 (g) Unexpended money in the fund on December 31, 2027,  
30 reverts to the state general fund.

31 (h) This section expires December 31, 2027.

32 SECTION 3. IC 10-13-2-5, AS AMENDED BY P.L.15-2017,  
33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2022]: Sec. 5. (a) The division, under the supervision and  
35 direction of the superintendent and in accordance with the rules  
36 adopted under this chapter, shall do the following:

- 37 (1) Collect data necessary for the accomplishment of the purposes  
38 of this chapter from all persons and agencies mentioned in section  
39 6 of this chapter.
- 40 (2) Prepare and distribute to all the persons and agencies the  
41 forms to be used in reporting data to the division. The forms also  
42 must provide for items of information needed by federal bureaus,



- 1 agencies, or departments engaged in the development of national  
2 criminal statistics.
- 3 (3) Prescribe the form and content of records to be kept by the  
4 persons and agencies to ensure the correct reporting of data to the  
5 division.
- 6 (4) Instruct the persons and agencies in the installation,  
7 maintenance, and use of records and equipment and in the manner  
8 of reporting to the division.
- 9 (5) Tabulate, analyze, and interpret the data collected.
- 10 (6) Supply data, upon request, to federal bureaus, agencies, or  
11 departments engaged in collecting and analyzing national  
12 criminal statistics.
- 13 (7) Present the following to the governor:
- 14 (A) Not later than June 1 and December 1 of each year, a  
15 report containing the criminal statistics of the preceding six (6)  
16 months.
- 17 (B) At other times the superintendent considers necessary or  
18 the governor requests, reports on public aspects of criminal  
19 statistics in a sufficiently general distribution for public  
20 enlightenment.
- 21 **(8) Upon request of the Indiana criminal justice institute,**  
22 **transmit not later than June 1 and December 1 of each year,**  
23 **a report containing the criminal statistics of Marion County**  
24 **for the preceding six (6) months, to assist the Indiana criminal**  
25 **justice institute in implementing the Marion County violent**  
26 **crime reduction pilot project under IC 5-2-6-26. This**  
27 **subdivision expires December 31, 2027.**
- 28 (b) All laws regulating privacy or restricting use of the data apply  
29 to any data collected.
- 30 (c) The division may accept data and reports from agencies other  
31 than those required to report under this chapter if the data and reports  
32 are consistent with the purposes of this chapter.



