

HOUSE BILL No. 1263

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-9.8-2; IC 5-11-5-7; IC 27-10; IC 31-16-12-10; IC 31-25-4; IC 33-24-6-3; IC 34-30-2.1-556; IC 35-31.5-2; IC 35-33; IC 35-40-6-6; IC 35-52-27.

Synopsis: Elimination of money bail. Abolishes money bail and repeals the Indiana bail law (regulating bail agents). Makes conforming amendments.

Effective: July 1, 2024.

Smith V

January 9, 2024, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1263



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 5-10-9.8-2, AS AMENDED BY P.L.99-2020,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 2. (a) The special death benefit fund is established
4 for the purpose of paying lump sum death benefits under the following
5 statutes:
6 (1) IC 5-10-10.
7 (2) IC 5-10-11.
8 (3) IC 10-12-6.
9 (4) IC 36-8-6-20.
10 (5) IC 36-8-7-26.
11 (6) IC 36-8-7.5-22.
12 (7) IC 36-8-8-20.
13 (b) The fund consists of:
14 (1) appropriations by the general assembly;
15 (2) fees remitted to the board under IC 35-33-8-3.2 (**before the**
16 **abolition of money bail**), IC 5-10-10-4.5, IC 5-10-10-4.8, and



- 1 IC 5-10-10-4.9;
 2 (3) contributions from employers;
 3 (4) gifts; and
 4 (5) interest or other investment income earned on money in the
 5 fund.

6 (c) The fund shall be administered by the board. The expenses of
 7 administering the fund shall be paid from money in the fund.

8 (d) The board shall invest the money in the fund not currently
 9 needed to meet the obligations of the fund in the same manner as the
 10 board's other funds may be invested. Interest that accrues from these
 11 investments shall be deposited in the fund.

12 (e) Money in the fund at the end of a state fiscal year does not revert
 13 to the state general fund.

14 SECTION 2. IC 5-11-5-7 IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2024]: Sec. 7. (a) The state board of accounts
 16 or a person designated in writing by it may collect any of the following:

17 (1) Unpaid fines, costs, or fees that are imposed for violations of
 18 statutes defining a crime or infraction and are owed to the state or
 19 its political subdivisions.

20 (2) Money owed resulting from bond forfeitures under
 21 IC 35-33-8-7 (**before the abolition of money bail**).

22 (3) Unpaid user's fees incurred under a pretrial diversion
 23 agreement by a person charged with a misdemeanor, infraction,
 24 or ordinance violation.

25 (b) The state board of accounts or its agent may compromise the
 26 amount of money owed in collecting money under this section.

27 (c) The costs of collection, including but not limited to reasonable
 28 attorney's fees, may be added to money that is owed and collected
 29 under this section. However, the costs of collection may not exceed an
 30 amount that is equal to the amount of money that is owed.

31 (d) When money is collected under this section, the state board of
 32 accounts or its agent shall deposit the money, less the costs of
 33 collection, in accounts to the credit of the state or a political
 34 subdivision as required by law.

35 (e) The costs of collecting money under this section shall be
 36 determined by the state board of accounts and shall be paid from
 37 money collected.

38 SECTION 3. IC 27-10 IS REPEALED [EFFECTIVE JULY 1,
 39 2024]. (Indiana Bail Law).

40 SECTION 4. IC 31-16-12-10, AS AMENDED BY P.L.145-2006,
 41 SECTION 237, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2024]: Sec. 10. If a court finds that a person



1 who holds a license or who is an applicant for a license issued under
 2 IC 27-1-15.6 or IC 27-1-15.8 or ~~IC 27-10-3~~ is delinquent (as defined
 3 in IC 31-25-4-2) as a result of an intentional violation of an order for
 4 child support, the court shall issue an order to the commissioner of the
 5 department of insurance:

6 (1) requiring that the person's license be suspended until further
 7 order of the court;

8 (2) ordering the commissioner not to issue a license to the person
 9 who is the subject of the order if the person does not currently
 10 hold a license; or

11 (3) ordering the commissioner not to renew the license of a person
 12 who is the subject of the order.

13 SECTION 5. IC 31-25-4-32, AS AMENDED BY P.L.141-2022,
 14 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2024]: Sec. 32. (a) When the Title IV-D agency finds that an
 16 obligor is delinquent, the Title IV-D agency shall send, to a verified
 17 address, a notice to the obligor that does the following:

18 (1) Specifies that the obligor is delinquent.

19 (2) Describes the amount of child support that the obligor is in
 20 arrears.

21 (3) States that unless the obligor:

22 (A) pays the obligor's child support arrearage in full;

23 (B) establishes a payment plan with the Title IV-D agency to
 24 pay the arrearage, which includes an income withholding
 25 order; or

26 (C) requests a hearing under section 33 of this chapter;
 27 within twenty (20) days after the date the notice is mailed, the
 28 Title IV-D agency shall issue an order to the bureau of motor
 29 vehicles stating that the obligor is delinquent and that the
 30 obligor's driving privileges shall be suspended.

31 (4) Explains that the obligor has twenty (20) days after the notice
 32 is mailed to do one (1) of the following:

33 (A) Pay the obligor's child support arrearage in full.

34 (B) Establish a payment plan with the Title IV-D agency to
 35 pay the arrearage, which includes an income withholding order
 36 under IC 31-16-15-2 or IC 31-16-15-2.5.

37 (C) Request a hearing under section 33 of this chapter.

38 (5) Explains that if the obligor has not satisfied any of the
 39 requirements of subdivision (4) not later than twenty (20) days
 40 after the notice is mailed, that the Title IV-D agency shall issue a
 41 notice to:

42 (A) the board or department that regulates the obligor's



- 1 profession or occupation, if any, that the obligor is delinquent
 2 and that the obligor may be subject to sanctions under
 3 IC 25-1-1.2, including suspension or revocation of the
 4 obligor's professional or occupational license;
 5 (B) the supreme court disciplinary commission if the obligor
 6 is licensed to practice law;
 7 (C) the department of education established by IC 20-19-3-1
 8 if the obligor is a licensed teacher;
 9 (D) the Indiana horse racing commission if the obligor holds
 10 or applies for a license issued under IC 4-31-6;
 11 (E) the Indiana gaming commission if the obligor holds or
 12 applies for a license issued under IC 4-33 and IC 4-35;
 13 (F) the commissioner of the department of insurance if the
 14 obligor holds or is an applicant for a license issued under
 15 IC 27-1-15.6 or IC 27-1-15.8; ~~or IC 27-10-3~~;
 16 (G) the director of the department of natural resources if the
 17 obligor holds or is an applicant for a license issued by the
 18 department of natural resources under:
 19 (i) IC 14-22-12 (fishing, hunting, and trapping licenses);
 20 (ii) IC 14-22-16 (bait dealer's license);
 21 (iii) IC 14-22-19 (fur buyer's license);
 22 (iv) IC 14-24-7 (nursery dealer's license); or
 23 (v) IC 14-31-3 (ginseng dealer's license); or
 24 (H) the alcohol and tobacco commission if the obligor holds or
 25 applies for an employee's permit under IC 7.1-3-18-9(a)(3).
 26 (6) Explains that the only basis for contesting the issuance of an
 27 order under subdivision (3) or (5) is a mistake of fact.
 28 (7) Explains that an obligor may contest the Title IV-D agency's
 29 determination to issue an order under subdivision (3) or (5) by
 30 making written application to the Title IV-D agency not later than
 31 twenty (20) days after the date the notice is mailed.
 32 (8) Explains the procedures to:
 33 (A) pay the obligor's child support arrearage in full; and
 34 (B) establish a payment plan with the Title IV-D agency to pay
 35 the arrearage, which must include an income withholding
 36 order under IC 31-16-15-2 or IC 31-16-15-2.5.
 37 (b) Whenever the Title IV-D agency finds that an obligor is
 38 delinquent and has failed to:
 39 (1) pay the obligor's child support arrearage in full;
 40 (2) establish a payment plan with the Title IV-D agency to pay the
 41 arrearage, which includes an income withholding order under
 42 IC 31-16-15-2 or IC 31-16-15-2.5; or



- 1 (3) request a hearing under section 33 of this chapter not later
 2 than twenty (20) days after the date the notice described in
 3 subsection (a) is mailed;
 4 the Title IV-D agency shall issue an order to the bureau of motor
 5 vehicles stating that the obligor is delinquent.
- 6 (c) An order issued under subsection (b) must require the following:
 7 (1) If the obligor who is the subject of the order holds a driving
 8 license or permit on the date the order is issued, that the driving
 9 privileges of the obligor be suspended until further order of the
 10 Title IV-D agency.
 11 (2) If the obligor who is the subject of the order does not hold a
 12 driving license or permit on the date the order is issued, that the
 13 bureau of motor vehicles may not issue a driving license or permit
 14 to the obligor until the bureau of motor vehicles receives a further
 15 order from the Title IV-D agency.
- 16 (d) The Title IV-D agency shall provide the:
 17 (1) full name;
 18 (2) date of birth;
 19 (3) verified address; and
 20 (4) Social Security number or driving license number;
 21 of the obligor to the bureau of motor vehicles.
- 22 (e) Whenever the Title IV-D agency finds that an obligor who is an
 23 applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in
 24 IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed
 25 to:
 26 (1) pay the obligor's child support arrearage in full;
 27 (2) establish a payment plan with the Title IV-D agency to pay the
 28 arrearage, which includes an income withholding order under
 29 IC 31-16-15-2 or IC 31-16-15-2.5; or
 30 (3) request a hearing under section 33 of this chapter;
 31 the Title IV-D agency shall issue an order to the board regulating the
 32 practice of the obligor's profession or occupation stating that the
 33 obligor is delinquent.
- 34 (f) An order issued under subsection (e) must direct the board or
 35 department regulating the obligor's profession or occupation to impose
 36 the appropriate sanctions described under IC 25-1-1.2.
- 37 (g) Whenever the Title IV-D agency finds that an obligor who is an
 38 attorney or a licensed teacher is delinquent and the attorney or licensed
 39 teacher has failed to:
 40 (1) pay the obligor's child support arrearage in full;
 41 (2) establish a payment plan with the Title IV-D agency to pay the
 42 arrearage, which includes an income withholding order under



- 1 IC 31-16-15-2 or IC 31-16-15-2.5; or
 2 (3) request a hearing under section 33 of this chapter;
 3 the Title IV-D agency shall notify the supreme court disciplinary
 4 commission if the obligor is an attorney, or the department of education
 5 if the obligor is a licensed teacher, that the obligor is delinquent.
- 6 (h) Whenever the Title IV-D agency finds that an obligor who holds
 7 a license issued under IC 4-31-6, IC 4-33, or IC 4-35 has failed to:
 8 (1) pay the obligor's child support arrearage in full;
 9 (2) establish a payment plan with the Title IV-D agency to pay the
 10 arrearage, which includes an income withholding order under
 11 IC 31-16-15-2 or IC 31-16-15-2.5; or
 12 (3) request a hearing under section 33 of this chapter;
 13 the Title IV-D agency shall issue an order to the Indiana horse racing
 14 commission if the obligor holds a license issued under IC 4-31-6, or to
 15 the Indiana gaming commission if the obligor holds a license issued
 16 under IC 4-33 or IC 4-35, stating that the obligor is delinquent and
 17 directing the commission to impose the appropriate sanctions described
 18 in IC 4-31-6-11, IC 4-33-8.5-3, or IC 4-35-6.7-2.
- 19 (i) Whenever the Title IV-D agency finds that an obligor who holds
 20 a license issued under IC 27-1-15.6 ~~or IC 27-1-15.8 or IC 27-10-3~~ has
 21 failed to:
 22 (1) pay the obligor's child support arrearage in full;
 23 (2) establish a payment plan with the Title IV-D agency to pay the
 24 arrearage, which includes an income withholding order under
 25 IC 31-16-15-2 or IC 31-16-15-2.5; or
 26 (3) request a hearing under section 33 of this chapter;
 27 the Title IV-D agency shall issue an order to the commissioner of the
 28 department of insurance stating that the obligor is delinquent and
 29 directing the commissioner to impose the appropriate sanctions
 30 described in IC 27-1-15.6-29. ~~or IC 27-10-3-20.~~
- 31 (j) Whenever the Title IV-D agency finds that an obligor who holds
 32 a license issued by the department of natural resources under
 33 IC 14-22-12, IC 14-22-16, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has
 34 failed to:
 35 (1) pay the obligor's child support arrearage in full;
 36 (2) establish a payment plan with the Title IV-D agency to pay the
 37 arrearage, which includes an income withholding order under
 38 IC 31-16-15-2 or IC 31-16-15-2.5; or
 39 (3) request a hearing under section 33 of this chapter;
 40 the Title IV-D agency shall issue an order to the director of the
 41 department of natural resources stating that the obligor is delinquent
 42 and directing the director to suspend or revoke a license issued to the



1 obligor by the department of natural resources as provided in
2 IC 14-11-3.

3 (k) If the Title IV-D agency finds that an obligor who holds an
4 employee's permit issued under IC 7.1-3-18-9(a)(3) has failed to:

- 5 (1) pay the obligor's child support arrearage in full;
- 6 (2) establish a payment plan with the Title IV-D agency to pay the
7 arrearage, which includes an income withholding order under
8 IC 31-16-15-2 or IC 31-16-15-2.5; or
- 9 (3) request a hearing under section 33 of this chapter;

10 the Title IV-D agency shall issue an order to the alcohol and tobacco
11 commission stating that the obligor is delinquent and directing the
12 alcohol and tobacco commission to impose the appropriate sanctions
13 under IC 7.1-3-23-44.

14 (l) A person's most recent address on file with the bureau constitutes
15 a verified address for purposes of this section.

16 (m) When an obligor who was the subject of an order issued by the
17 Title IV-D agency under subsection (b), (e), (g), (h), (i), (j), or (k) has:

- 18 (1) paid the obligor's child support arrearage in full; or
- 19 (2) established a payment plan with the Title IV-D agency to pay
20 the arrearage, which includes an income withholding order under
21 IC 31-16-15-2 or IC 31-16-15-2.5;

22 the Title IV-D agency shall provide notice to the appropriate entity
23 under subsection (b), (e), (g), (h), (i), (j), or (k) that the obligor has
24 addressed the delinquency.

25 SECTION 6. IC 31-25-4-34, AS AMENDED BY P.L.141-2022,
26 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2024]: Sec. 34. (a) As used in this section, "board" has the
28 meaning set forth in IC 25-1-1.2-2.

29 (b) If an obligor holds a license issued by a board and requests a
30 hearing under section 33 of this chapter but fails to appear or appears
31 and is found to be delinquent, the Title IV-D agency shall issue an
32 order to the board that issued the obligor's license:

- 33 (1) stating that the obligor is delinquent; and
- 34 (2) requiring the board to comply with the actions required under
35 IC 25-1-1.2-8.

36 (c) If an obligor holds a license issued under IC 4-31-6, IC 4-33, or
37 IC 4-35 and requests a hearing under section 33 of this chapter but fails
38 to appear or appears and is found to be delinquent, the Title IV-D
39 agency shall issue an order to the:

- 40 (1) Indiana horse racing commission, if the obligor holds a license
41 issued under IC 4-31-6; or
- 42 (2) Indiana gaming commission, if the obligor holds a license



1 issued under IC 4-33 or IC 4-35;
 2 stating that the obligor is delinquent and requiring the commission to
 3 comply with the actions required under IC 4-31-6-11, IC 4-33-8.5-3, or
 4 IC 4-35-6.7-2.

5 (d) If an obligor holds a license issued under IC 27-1-15.6 or
 6 IC 27-1-15.8 or ~~IC 27-10-3~~ and requests a hearing under section 33 of
 7 this chapter but fails to appear or appears and is found to be delinquent,
 8 the Title IV-D agency shall issue an order to the commissioner of the
 9 department of insurance:

10 (1) stating that the obligor is delinquent; and

11 (2) requiring the commissioner to comply with the actions
 12 required under IC 27-1-15.6-29. or ~~IC 27-10-3-20~~.

13 (e) If an obligor holds a license issued by the department of natural
 14 resources under IC 14-22-12, IC 14-22-16, IC 14-22-19, IC 14-24-7, or
 15 IC 14-31-3 and requests a hearing under section 33 of this chapter but
 16 fails to appear, or appears and is found to be delinquent, the Title IV-D
 17 agency shall issue an order to the director of the department of natural
 18 resources:

19 (1) stating that the obligor is delinquent; and

20 (2) requiring the director to suspend or revoke a license issued by
 21 the department as provided in IC 14-11-3.

22 (f) If an obligor:

23 (1) holds an employee's permit issued under IC 7.1-3-18-9(a)(3);
 24 and

25 (2) requests a hearing under section 33 of this chapter but fails to
 26 appear or appears and is found to be delinquent;

27 the Title IV-D agency shall issue an order to the alcohol and tobacco
 28 commission stating that the obligor is delinquent and requiring the
 29 commission to impose the appropriate sanctions under IC 7.1-3-23-44.

30 (g) When an obligor who was the subject of an order issued by the
 31 Title IV-D agency under subsection (b), (c), (d), (e), or (f) has:

32 (1) paid the obligor's child support arrearage in full; or

33 (2) established a payment plan with the Title IV-D agency to pay
 34 the arrearage, which includes an income withholding order under
 35 IC 31-16-15-2 or IC 31-16-15-2.5;

36 the Title IV-D agency shall provide notice to the appropriate entity
 37 under subsection (b), (c), (d), (e), or (f) that the obligor has addressed
 38 the delinquency.

39 SECTION 7. IC 33-24-6-3, AS AMENDED BY P.L.205-2023,
 40 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2024]: Sec. 3. (a) The office of judicial administration shall
 42 do the following:



- 1 (1) Examine the administrative and business methods and systems
 2 employed in the offices of the clerks of court and other offices
 3 related to and serving the courts and make recommendations for
 4 necessary improvement.
- 5 (2) Collect and compile statistical data and other information on
 6 the judicial work of the courts in Indiana. All justices of the
 7 supreme court, judges of the court of appeals, judges of all trial
 8 courts, and any city or town courts, whether having general or
 9 special jurisdiction, court clerks, court reporters, and other
 10 officers and employees of the courts shall, upon notice by the
 11 chief administrative officer and in compliance with procedures
 12 prescribed by the chief administrative officer, furnish the chief
 13 administrative officer the information as is requested concerning
 14 the nature and volume of judicial business. The information must
 15 include the following:
- 16 (A) The volume, condition, and type of business conducted by
 17 the courts.
 - 18 (B) The methods of procedure in the courts.
 - 19 (C) The work accomplished by the courts.
 - 20 (D) The receipt and expenditure of public money by and for
 21 the operation of the courts.
 - 22 (E) The methods of disposition or termination of cases.
- 23 (3) Prepare and publish reports, not less than one (1) or more than
 24 two (2) times per year, on the nature and volume of judicial work
 25 performed by the courts as determined by the information
 26 required in subdivision (2).
- 27 (4) Serve the judicial nominating commission and the judicial
 28 qualifications commission in the performance by the commissions
 29 of their statutory and constitutional functions.
- 30 (5) Administer the civil legal aid fund as required by IC 33-24-12.
- 31 (6) Administer the court technology fund established by section
 32 12 of this chapter.
- 33 (7) By December 31, 2013, develop and implement a standard
 34 protocol for sending and receiving court data:
- 35 (A) between the protective order registry, established by
 36 IC 5-2-9-5.5, and county court case management systems;
 - 37 (B) at the option of the county prosecuting attorney, for:
 - 38 (i) a prosecuting attorney's case management system;
 - 39 (ii) a county court case management system; and
 - 40 (iii) a county court case management system developed and
 41 operated by the office of judicial administration;
 - 42 to interface with the electronic traffic tickets, as defined by



- 1 IC 9-30-3-2.5; and
 2 (C) between county court case management systems and the
 3 case management system developed and operated by the office
 4 of judicial administration.
 5 The standard protocol developed and implemented under this
 6 subdivision shall permit private sector vendors, including vendors
 7 providing service to a local system and vendors accessing the
 8 system for information, to send and receive court information on
 9 an equitable basis and at an equitable cost. ~~and for a case~~
 10 ~~management system developed and operated by the office of~~
 11 ~~judicial administration; must include a searchable field for the~~
 12 ~~name and bail agent license number, if applicable, of the bail~~
 13 ~~agent or a person authorized by the surety that pays bail for an~~
 14 ~~individual as described in IC 35-33-8-3.2.~~
 15 (8) Establish and administer an electronic system for receiving
 16 information that relates to certain individuals who may be
 17 prohibited from possessing a firearm for the purpose of:
 18 (A) transmitting this information to the Federal Bureau of
 19 Investigation for inclusion in the NICS; and
 20 (B) beginning July 1, 2021, compiling and publishing certain
 21 statistics related to the confiscation and retention of firearms
 22 as described under section 14 of this chapter.
 23 (9) Establish and administer an electronic system for receiving
 24 drug related felony conviction information from courts. The office
 25 of judicial administration shall notify NPLeX of each drug related
 26 felony entered after June 30, 2012, and do the following:
 27 (A) Provide NPLeX with the following information:
 28 (i) The convicted individual's full name.
 29 (ii) The convicted individual's date of birth.
 30 (iii) The convicted individual's driver's license number, state
 31 personal identification number, or other unique number, if
 32 available.
 33 (iv) The date the individual was convicted of the felony.
 34 Upon receipt of the information from the office of judicial
 35 administration, a stop sale alert must be generated through
 36 NPLeX for each individual reported under this clause.
 37 (B) Notify NPLeX if the felony of an individual reported under
 38 clause (A) has been:
 39 (i) set aside;
 40 (ii) reversed;
 41 (iii) expunged; or
 42 (iv) vacated.



- 1 Upon receipt of information under this clause, NPLEx shall
 2 remove the stop sale alert issued under clause (A) for the
 3 individual.
- 4 (10) After July 1, 2018, establish and administer an electronic
 5 system for receiving from courts felony or misdemeanor
 6 conviction information for each felony or misdemeanor described
 7 in IC 20-28-5-8(c). The office of judicial administration shall
 8 notify the department of education at least one (1) time each week
 9 of each felony or misdemeanor described in IC 20-28-5-8(c)
 10 entered after July 1, 2018, and do the following:
- 11 (A) Provide the department of education with the following
 12 information:
- 13 (i) The convicted individual's full name.
 14 (ii) The convicted individual's date of birth.
 15 (iii) The convicted individual's driver's license number, state
 16 personal identification number, or other unique number, if
 17 available.
 18 (iv) The date the individual was convicted of the felony or
 19 misdemeanor.
- 20 (B) Notify the department of education if the felony or
 21 misdemeanor of an individual reported under clause (A) has
 22 been:
- 23 (i) set aside;
 24 (ii) reversed; or
 25 (iii) vacated.
- 26 (11) Perform legal and administrative duties for the justices as
 27 determined by the justices.
- 28 (12) Provide staff support for the judicial conference of Indiana
 29 established in IC 33-38-9.
- 30 (13) Work with the United States Department of Veterans Affairs
 31 to identify and address the needs of veterans in the court system.
- 32 (14) If necessary for purposes of IC 35-47-16-1, issue a retired
 33 judicial officer an identification card identifying the retired
 34 judicial officer as a retired judicial officer.
- 35 (15) Establish and administer the statewide juvenile justice data
 36 aggregation plan established under section 12.5 of this chapter.
- 37 (16) Create and make available an application for detention to be
 38 used in proceedings under IC 12-26-5 (mental health detention,
 39 commitment, and treatment).
- 40 (b) All forms to be used in gathering data must be approved by the
 41 supreme court and shall be distributed to all judges and clerks before
 42 the start of each period for which reports are required.



1 (c) The office of judicial administration may adopt rules to
2 implement this section.

3 SECTION 8. IC 34-30-2.1-556 IS REPEALED [EFFECTIVE JULY
4 1, 2024]. ~~Sec. 556. IC 35-33-8-4.5(b) (Concerning a defendant's failure
5 to appear):~~

6 SECTION 9. IC 35-31.5-2-24.8 IS ADDED TO THE INDIANA
7 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
8 [EFFECTIVE JULY 1, 2024]: **Sec. 24.8. "Bail", for purposes of**
9 **IC 35-33-8, has the meaning set forth in IC 35-33-8-0.8.**

10 SECTION 10. IC 35-31.5-2-204.7 IS ADDED TO THE INDIANA
11 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
12 [EFFECTIVE JULY 1, 2024]: **Sec. 204.7. "Money bail", for**
13 **purposes of IC 35-33-8, has the meaning set forth in IC 35-33-8-1.3.**

14 SECTION 11. IC 35-31.5-2-262 IS REPEALED [EFFECTIVE
15 JULY 1, 2024]. ~~Sec. 262. "Publicly paid costs of representation"; for
16 purposes of IC 35-33-8; has the meaning set forth in IC 35-33-8-1.5.~~

17 SECTION 12. IC 35-33-8-0.6 IS REPEALED [EFFECTIVE JULY
18 1, 2024]. ~~Sec. 0.6: (a) Neither the state nor a political subdivision (as
19 defined in IC 36-1-2-13) may:~~

20 (1) post bail for any person; or

21 (2) for the purpose of posting bail for any person; provide a grant
22 or other funding; directly or indirectly; to an entity that posts bail
23 for any person.

24 (b) A person that accepts donations for the purpose of depositing
25 cash bail for another person may not accept a grant or other funding;
26 directly or indirectly; from a political subdivision.

27 SECTION 13. IC 35-33-8-0.8 IS ADDED TO THE INDIANA
28 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
29 [EFFECTIVE JULY 1, 2024]: **Sec. 0.8. As used in this chapter,**
30 **"bail" means a requirement imposed on a defendant as a condition**
31 **of pretrial release.**

32 SECTION 14. IC 35-33-8-1.3 IS ADDED TO THE INDIANA
33 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
34 [EFFECTIVE JULY 1, 2024]: **Sec. 1.3. As used in this chapter,**
35 **"money bail" means:**

36 (1) execution of a bail bond with sufficient solvent sureties;

37 (2) depositing cash or securities as a condition of bail;

38 (3) executing a bond secured by real estate;

39 (4) posting a real estate bond; or

40 (5) pledging any other property;

41 as a condition of pretrial release. The term does not include a fee
42 imposed by the court to defray the expenses of supervising or



1 **providing services to a defendant while the defendant is released on**
 2 **bail.**

3 SECTION 15. IC 35-33-8-1.5 IS REPEALED [EFFECTIVE JULY
 4 1, 2024]. Sec. 1.5: As used in this chapter, "publicly paid costs of
 5 representation" means the portion of all attorney's fees, expenses, or
 6 wages incurred by the county that are:

- 7 (1) directly attributable to the defendant's defense; and
- 8 (2) not overhead expenditures made in connection with the
 9 maintenance or operation of a governmental agency.

10 SECTION 16. IC 35-33-8-3.2, AS AMENDED BY P.L.205-2023,
 11 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2024]: Sec. 3.2. (a) After considering the results of the Indiana
 13 pretrial risk assessment system (if available), other relevant factors, and
 14 bail guidelines described in section 3.8 of this chapter, a court may
 15 admit a defendant to bail and impose any of the following conditions
 16 to assure the defendant's appearance at any stage of the legal
 17 proceedings, or, upon a showing of clear and convincing evidence that
 18 the defendant poses a risk of physical danger to another person or the
 19 community, to assure the public's physical safety:

- 20 (1) Require the defendant to:
 - 21 (A) execute a bail bond with sufficient solvent sureties;
 - 22 (B) deposit cash or securities in an amount equal to the bail;
 - 23 (C) execute a bond secured by real estate in the county, where
 24 thirty-three hundredths (0.33) of the true tax value less
 25 encumbrances is at least equal to the amount of the bail;
 - 26 (D) post a real estate bond; or
 - 27 (E) perform any combination of the requirements described in
 28 clauses (A) through (D).

29 If the court requires the defendant to deposit cash or cash and
 30 another form of security as bail, the court may require the
 31 defendant and each person who makes the deposit on behalf of the
 32 defendant to execute an agreement that allows the court to retain
 33 all or a part of the cash to pay publicly paid costs of
 34 representation and fines, costs, fees, and restitution that the court
 35 may order the defendant to pay if the defendant is convicted.
 36 Before execution of the agreement, the defendant or person who
 37 makes the deposit on behalf of the defendant shall be advised that,
 38 upon conviction of the defendant, the court may retain from the
 39 cash deposited as bail all or a part of the cash to pay publicly paid
 40 costs of representation and fines, costs, fees, and restitution that
 41 the court may order the defendant to pay if the defendant is
 42 convicted. The defendant must also pay the fee required by



- 1 subsection (d):
- 2 ~~(2)~~ Require the defendant to execute:
- 3 (A) a bail bond by depositing cash or securities with the clerk
- 4 of the court in an amount not less than ten percent (10%) of
- 5 the bail; and
- 6 (B) an agreement that allows the court to retain all or a part of
- 7 the cash or securities to pay fines, costs, fees, and restitution
- 8 that the court may order the defendant to pay if the defendant
- 9 is convicted.
- 10 A portion of the deposit, not to exceed ten percent (10%) of the
- 11 monetary value of the deposit or fifty dollars (\$50), whichever is
- 12 the lesser amount, may be retained as an administrative fee. The
- 13 clerk shall also retain from the deposit under this subdivision
- 14 fines, costs, fees, and restitution as ordered by the court, publicly
- 15 paid costs of representation that shall be disposed of in
- 16 accordance with subsection (b); and the fee required by
- 17 subsection (d). In the event of the posting of a real estate bond,
- 18 the bond shall be used only to insure the presence of the
- 19 defendant at any stage of the legal proceedings, but shall not be
- 20 foreclosed for the payment of fines, costs, fees, or restitution. The
- 21 individual posting bail for the defendant or the defendant
- 22 admitted to bail under this subdivision must be notified by the
- 23 sheriff, court, or clerk that the defendant's deposit may be
- 24 forfeited under section 7 of this chapter or retained under
- 25 subsection (b):
- 26 ~~(3)~~ **(1)** Impose reasonable restrictions on the activities,
- 27 movements, associations, and residence of the defendant during
- 28 the period of release.
- 29 ~~(4)~~ **(2)** Except as provided in section 3.6 of this chapter, require
- 30 the defendant to refrain from any direct or indirect contact with an
- 31 individual and, if the defendant has been charged with an offense
- 32 under IC 35-46-3, any animal belonging to the individual,
- 33 including if the defendant has not been released from lawful
- 34 detention.
- 35 ~~(5)~~ **(3)** Place the defendant under the reasonable supervision of a
- 36 probation officer, pretrial services agency, or other appropriate
- 37 public official. If the court places the defendant under the
- 38 supervision of a probation officer or pretrial services agency, the
- 39 court shall determine whether the defendant must pay the pretrial
- 40 services fee under section 3.3 of this chapter.
- 41 ~~(6)~~ **(4)** Release the defendant into the care of a qualified person
- 42 or organization responsible for supervising the defendant and



1 assisting the defendant in appearing in court. The supervisor shall
 2 maintain reasonable contact with the defendant in order to assist
 3 the defendant in making arrangements to appear in court and,
 4 where appropriate, shall accompany the defendant to court. The
 5 supervisor need not be financially responsible for the defendant.

6 ~~(7)~~ **(5)** Release the defendant on personal recognizance unless:

7 (A) the state presents evidence relevant to a risk by the
 8 defendant:

9 (i) of nonappearance; or

10 (ii) to the physical safety of the public; and

11 (B) the court finds by a preponderance of the evidence that the
 12 risk exists.

13 ~~(8)~~ **(6)** Require a defendant charged with an offense under
 14 IC 35-46-3 to refrain from owning, harboring, or training an
 15 animal.

16 ~~(9)~~ **(7)** Require a defendant to participate in a mental health
 17 referral program under IC 33-23-18.

18 ~~(10)~~ **(8)** Impose any other reasonable restrictions designed to
 19 assure the defendant's presence in court or the physical safety of
 20 another person or the community. **However, a court may never**
 21 **impose money bail.**

22 ~~(b)~~ **(b)** Within thirty ~~(30)~~ days after disposition of the charges against
 23 the defendant, the court that admitted the defendant to bail shall order
 24 the clerk to remit the amount of the deposit remaining under subsection
 25 ~~(a)(2)~~ to the person who made the deposit. The portion of the deposit
 26 that is not remitted to the person who made the deposit shall be
 27 deposited by the clerk in the supplemental public defender services
 28 fund established under IC 33-40-3.

29 ~~(c)~~ **(c)** For purposes of subsection ~~(b)~~; "disposition" occurs when the
 30 indictment or information is dismissed or the defendant is acquitted or
 31 convicted of the charges.

32 ~~(d)~~ **(d)** Except as provided in subsection ~~(c)~~; the clerk of the court shall:

33 (1) collect a fee of five dollars (\$5) from each bond or deposit
 34 required under subsection ~~(a)(1)~~; and

35 (2) retain a fee of five dollars (\$5) from each deposit under
 36 subsection ~~(a)(2)~~.

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

42 ~~(e)~~ **(e)** With the approval of the clerk of the court, the county sheriff



1 may collect the bail posted under this section. The county sheriff shall
 2 remit the bail to the clerk of the court by the following business day
 3 and remit monthly the five dollar (\$5) special death benefit fee to the
 4 county auditor.

5 (f) ~~When a court imposes a condition of bail described in subsection~~
 6 ~~(a)(4):~~

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

8 (2) ~~the prosecuting attorney shall file a confidential form~~
 9 ~~prescribed or approved by the office of judicial administration~~
 10 ~~with the clerk.~~

11 (g) ~~The clerk of the court shall record the name, address, and bail~~
 12 ~~agent license number, if applicable, of the bail agent or a person~~
 13 ~~authorized by the surety posting bail for the defendant in the county~~
 14 ~~court electronic case management system.~~

15 SECTION 17. IC 35-33-8-3.5, AS AMENDED BY P.L.187-2017,
 16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2024]: Sec. 3.5. (a) This section applies only to a sexually
 18 violent predator defendant.

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

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

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

25 (c) A court may not admit a:

26 (1) sexually violent predator defendant;

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

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

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

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

39 SECTION 18. IC 35-33-8-3.8, AS ADDED BY P.L.187-2017,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2024]: Sec. 3.8. (a) A court shall consider the results of the
 42 Indiana pretrial risk assessment system (if available) before setting or



1 modifying bail for an arrestee.

2 (b) If the court finds, based on the results of the Indiana pretrial risk
3 assessment system (if available) and other relevant factors, that an
4 arrestee does not present a substantial risk of flight or danger to the
5 arrestee or others, the court shall consider releasing the arrestee
6 without money bail or surety, subject to restrictions and conditions as
7 determined by the court, unless one (1) or more of the following apply:

8 (1) The arrestee is charged with murder or treason.

9 (2) The arrestee is on pretrial release not related to the incident
10 that is the basis for the present arrest.

11 (3) The arrestee is on probation, parole, or other community
12 supervision.

13 **However**, the court is not required to administer an assessment before
14 releasing an arrestee if administering the assessment will delay the
15 arrestee's release.

16 SECTION 19. IC 35-33-8-3.9, AS ADDED BY P.L.187-2017,
17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2024]: Sec. 3.9. (a) If the court determines that an arrestee is
19 to be held subject to money bail, the court is authorized to determine
20 the amount of bail and whether the bail may be satisfied by surety bond
21 or cash deposit.

22 (b) The court may set and accept a partial cash payment of the bail
23 upon conditions set by the court, including the arrestee's agreement
24 (and the agreement of a person who makes a cash payment on behalf
25 of an arrestee, if applicable) that all court costs, fees, and expenses
26 associated with the 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. **Money bail is abolished in**
34 **Indiana.**

35 SECTION 20. IC 35-33-8-4, AS AMENDED BY P.L.187-2017,
36 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2024]: Sec. 4. (a) The court shall order the **amount in**
38 **conditions under** which a person charged by an indictment or
39 information is to be held to bail, and the clerk shall enter the order on
40 the order book and **indorse the amount indicate the bail conditions** on
41 each warrant when issued. If no order fixing the **amount of conditions**
42 **of bail** has been made, the sheriff shall present the warrant to the judge



1 of an appropriate court of criminal jurisdiction, and the judge shall
 2 ~~indorse indicate~~ on the warrant the ~~amount~~ **conditions** of bail.

3 (b) Bail **conditions** may not be ~~set higher~~ **more rigorous** than that
 4 ~~amount those~~ reasonably required to assure the defendant's appearance
 5 in court or to assure the physical safety of another person or the
 6 community if the court finds by clear and convincing evidence that the
 7 defendant poses a risk to the physical safety of another person or the
 8 community. In setting and accepting ~~an amount of~~ bail **conditions**, the
 9 judicial officer shall consider the bail guidelines described in section
 10 3.8 of this chapter and take into account all facts relevant to the risk of
 11 nonappearance, including:

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

36 SECTION 21. IC 35-33-8-4.5 IS REPEALED [EFFECTIVE JULY
 37 1, 2024]. ~~Sec. 4.5: (a) If bail is set for a defendant who is a foreign
 38 national who is unlawfully present in the United States under federal
 39 immigration law, after considering the results of the Indiana pretrial
 40 risk assessment system (if available) and other relevant factors, and the
 41 bail guidelines described in section 3.8 of this chapter, the court shall
 42 consider requiring as bail a:~~



- 1 (1) cash bond in an amount equal to the bail;
 2 (2) real estate bond in which the net equity in the real estate is at
 3 least two (2) times the amount of the bail; or
 4 (3) surety bond in the full amount of the bail that is written by a
 5 licensed and appointed agent of an insurer (as defined in
 6 IC 27-10-1-7);

7 (b) If the defendant for whom bail has been posted under this
 8 section does not appear before the court as ordered because the
 9 defendant has been:

- 10 (1) taken into custody or deported by a federal agency; or
 11 (2) arrested and incarcerated for another offense;

12 the bond posted under this section may not be declared forfeited by the
 13 court and the insurer (as defined in IC 27-10-1-7) that issued the bond
 14 is released from any liability regarding the defendant's failure to
 15 appear:

16 SECTION 22. IC 35-33-8-5, AS AMENDED BY P.L.111-2017,
 17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2024]: Sec. 5. (a) Upon a showing of good cause, the state or
 19 the defendant may be granted an alteration or revocation of bail by
 20 application to the court before which the proceeding is pending. In
 21 reviewing a motion for alteration or revocation of bail, credible hearsay
 22 evidence is admissible to establish good cause.

23 (b) When the state presents additional:

- 24 (1) evidence relevant to a high risk of nonappearance, based on
 25 the factors set forth in section 4(b) of this chapter; or
 26 (2) clear and convincing evidence:
 27 (A) of the factors described in IC 35-40-6-6(1)(A) and
 28 IC 35-40-6-6(1)(B); or
 29 (B) that the defendant otherwise poses a risk to the physical
 30 safety of another person or the community;

31 the court may ~~increase~~ **impose more rigorous bail conditions**. If the
 32 additional evidence presented by the state is DNA evidence tending to
 33 show that the defendant committed additional crimes that were not
 34 considered at the time the defendant was admitted to bail, the court
 35 may ~~increase~~ **impose more rigorous bail conditions** or revoke bail.

36 (c) When the defendant presents additional evidence of substantial
 37 mitigating factors, based on the factors set forth in section 4(b) of this
 38 chapter, which reasonably suggests that the defendant recognizes the
 39 court's authority to bring the defendant to trial, the court may ~~reduce~~
 40 **impose less rigorous bail conditions**. However, the court may not
 41 ~~reduce~~ **impose less rigorous bail conditions** if the court finds by clear
 42 and convincing evidence that the factors described in



1 IC 35-40-6-6(1)(A) and IC 35-40-6-6(1)(B) exist or that the defendant
 2 otherwise poses a risk to the physical safety of another person or the
 3 community.

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

6 (1) while admitted to bail the defendant:

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

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

12 (C) violated any condition of the defendant's current release
 13 order;

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

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

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

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

24 SECTION 23. IC 35-33-8-7 IS REPEALED [EFFECTIVE JULY 1,
 25 2024]. Sec. 7: (a) If a defendant:

26 (1) was admitted to bail under section 3.2(a)(2) of this chapter;
 27 and

28 (2) has failed to appear before the court as ordered;

29 the court shall, except as provided in subsection (b) or section 8(b) of
 30 this chapter, declare the bond forfeited not earlier than one hundred
 31 twenty (120) days or more than three hundred sixty-five (365) days
 32 after the defendant's failure to appear and issue a warrant for the
 33 defendant's arrest.

34 (b) In a criminal case, if the court having jurisdiction over the
 35 criminal case receives written notice of a pending civil action or
 36 unsatisfied judgment against the criminal defendant arising out of the
 37 same transaction or occurrence forming the basis of the criminal case,
 38 funds deposited with the clerk of the court under section 3.2(a)(2) of
 39 this chapter may not be declared forfeited by the court, and the court
 40 shall order the deposited funds to be held by the clerk. If there is an
 41 entry of final judgment in favor of the plaintiff in the civil action, and
 42 if the deposit and the bond are subject to forfeiture, the criminal court



1 shall order payment of all or any part of the deposit to the plaintiff in
 2 the action; as is necessary to satisfy the judgment. The court shall then
 3 order the remainder of the deposit, if any, and the bond forfeited:

4 (c) Any proceedings concerning the bond, or its forfeiture,
 5 judgment, or execution of judgment, shall be held in the court that
 6 admitted the defendant to bail.

7 (d) After a bond has been forfeited under subsection (a) or (b), the
 8 clerk shall mail notice of forfeiture to the defendant. In addition, unless
 9 the court finds that there was justification for the defendant's failure to
 10 appear, the court shall immediately enter judgment, without pleadings
 11 and without change of judge or change of venue, against the defendant
 12 for the amount of the bail bond; and the clerk shall record the
 13 judgment.

14 (e) If a bond is forfeited and the court has entered a judgment under
 15 subsection (d), the clerk shall transfer to the state common school fund:

16 (1) any amount remaining on deposit with the court (less the fees
 17 retained by the clerk); and

18 (2) any amount collected in satisfaction of the judgment.

19 (f) The clerk shall return a deposit, less the administrative fee, made
 20 under section 3-2(a)(2) of this chapter to the defendant, if the defendant
 21 appeared at trial and the other critical stages of the legal proceedings.

22 SECTION 24. IC 35-33-8-8 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) If a defendant
 24 was admitted to bail under section 3-2(a) 3.2 of this chapter and the
 25 defendant has knowingly and intentionally failed to appear before the
 26 court as ordered, the court:

27 (1) shall issue a warrant for the defendant's arrest;

28 (2) may not release the defendant on personal recognizance; and

29 (3) may not set **less rigorous bail conditions** for the rearrest of
 30 the defendant on the warrant **than the bail conditions originally**
 31 **imposed by the court.** at an amount that is less than the greater
 32 of:

33 (A) the amount of the original bail; or

34 (B) two thousand five hundred dollars (\$2,500);

35 in the form of a bond issued by an entity defined in IC 27-10-1-7
 36 or the full amount of the bond in cash.

37 (b) In a criminal case, if the court having jurisdiction over the
 38 criminal case receives written notice of a pending civil action or
 39 unsatisfied judgment against the criminal defendant arising out of the
 40 same transaction or occurrence forming the basis of the criminal case,
 41 funds deposited with the clerk of the court under section 3-2(a)(2) of
 42 this chapter may not be declared forfeited by the court; and the court



1 shall order the deposited funds to be held by the clerk. If there is an
 2 entry of final judgment in favor of the plaintiff in the civil action, and
 3 if the deposit is subject to forfeiture, the criminal court shall order
 4 payment of all or any part of the deposit to the plaintiff in the action, as
 5 is necessary to satisfy the judgment. The court shall then order the
 6 remainder of the deposit, if any, forfeited.

7 SECTION 25. IC 35-33-8-10 IS REPEALED [EFFECTIVE JULY
 8 1, 2024]. ~~Sec. 10. In addition to any other condition of bail imposed
 9 under this chapter, a defendant who posts bail by means of a credit card
 10 shall pay the credit card service fee under IC 33-37-6.~~

11 SECTION 26. IC 35-33-8-12, AS ADDED BY P.L.138-2020,
 12 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2024]: Sec. 12. (a) As used in this section, "disposition" has
 14 the meaning set forth in section 3-2(c) of this chapter: **occurs when the
 15 indictment or information is dismissed or the defendant is
 16 acquitted or convicted of the charges.**

17 (b) The Indiana criminal justice institute shall collect the following
 18 data from each court exercising criminal jurisdiction in Indiana:

19 (1) Of those defendants who are released on personal
 20 recognizance, the number of defendants who are rearrested before
 21 the disposition of the defendant's charges.

22 (2) Of those defendants who are released pursuant to the payment
 23 of money bail (**before the abolition of money bail**) of one
 24 thousand dollars (\$1,000) or less, the number of defendants who
 25 are rearrested before the disposition of the defendant's charges.

26 (c) Data collected under subsection (b) shall be compiled in such a
 27 manner to present the rearrest rate for:

28 (1) the entire state;

29 (2) each county; and

30 (3) each circuit, superior, city, and town court, including each
 31 separate division of each court, if applicable.

32 (d) The Indiana criminal justice institute shall, before August 1,
 33 2021, and before August 1 of each year thereafter, submit an annual
 34 report containing the information collected under this section to the
 35 legislative council in an electronic format under IC 5-14-6. The initial
 36 report submitted by the Indiana criminal justice institute before August
 37 1, 2021, must also include all data described in subsection (b) for the
 38 period beginning after December 31, 2019, through December 31,
 39 2020.

40 SECTION 27. IC 35-33-8-13 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2024]: **Sec. 13. When any person is indicted**



1 **for murder, the court in which the indictment is pending, upon**
 2 **motion, upon application by writ of habeas corpus, may admit the**
 3 **defendant to bail when it appears upon examination that the**
 4 **defendant is entitled to be let to bail.**

5 SECTION 28. IC 35-33-8-14 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2024]: **Sec. 14. The sheriff must return every**
 8 **process issued to the sheriff with the sheriff's activities fully**
 9 **endorsed thereon, and every process, judgment, and commitment**
 10 **of the circuit and criminal courts must be executed by the sheriff.**

11 SECTION 29. IC 35-33-8.5 IS REPEALED [EFFECTIVE JULY 1,
 12 2024]. (Bail and Recognizance).

13 SECTION 30. IC 35-33-14-5 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. The fund consists of
 15 the portion of late surrender fees deposited in the fund under
 16 IC 27-10-2-12(i) **(before its repeal).**

17 SECTION 31. IC 35-40-6-6 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. If:

19 (1) a victim submits to the prosecuting attorney an affidavit
 20 asserting:

21 (A) that an act or threat of physical violence or intimidation
 22 has been made against the victim or the immediate family of
 23 the victim; and

24 (B) that the act or threat described in clause (A) has been
 25 made by the defendant or at the direction of the defendant; and

26 (2) the prosecuting attorney has reason to believe the allegations
 27 in the affidavit are true and warrant the filing of a motion for bond
 28 revocation;

29 the prosecuting attorney shall file a motion under IC 35-33-8-5
 30 requesting the court to revoke the defendant's ~~bond~~ **bail** or order for
 31 personal recognizance.

32 SECTION 32. IC 35-52-27-14 IS REPEALED [EFFECTIVE JULY
 33 1, 2024]. ~~Sec. 14. IC 27-10-4-1 defines a crime concerning bail law.~~

34 SECTION 33. IC 35-52-27-15 IS REPEALED [EFFECTIVE JULY
 35 1, 2024]. ~~Sec. 15. IC 27-10-4-2 defines a crime concerning bail law.~~

36 SECTION 34. IC 35-52-27-16 IS REPEALED [EFFECTIVE JULY
 37 1, 2024]. ~~Sec. 16. IC 27-10-4-3 defines a crime concerning bail law.~~

38 SECTION 35. IC 35-52-27-17 IS REPEALED [EFFECTIVE JULY
 39 1, 2024]. ~~Sec. 17. IC 27-10-4-4 defines a crime concerning bail law.~~

40 SECTION 36. IC 35-52-27-18 IS REPEALED [EFFECTIVE JULY
 41 1, 2024]. ~~Sec. 18. IC 27-10-4-5 defines a crime concerning bail law.~~

42 SECTION 37. IC 35-52-27-19 IS REPEALED [EFFECTIVE JULY



1 1, 2024]. ~~Sec. 19: IC 27-10-4-6~~ defines a crime concerning bail law:
2 SECTION 38. [EFFECTIVE JULY 1, 2024] **(a) Provisions of this**
3 **act concerning the abolition of money bail, including the repeal of**
4 **IC 27-10, apply only to bail imposed or modified after June 30,**
5 **2024.**
6 **(b) This SECTION expires July 1, 2028.**

