

HOUSE BILL No. 1136

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-37-10.

Synopsis: Delinquency proceedings. Repeals a provision requiring a juvenile court to approve the filing of a petition for delinquency.

Effective: July 1, 2024.

Rowray

January 8, 2024, read first time and referred to Committee on Judiciary.



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.

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

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

1 SECTION 1. IC 31-37-10-2 IS REPEALED [EFFECTIVE JULY 1,
2 2024]. ~~Sec. 2: The juvenile court shall do the following:~~
3 ~~(1) Consider the preliminary inquiry and the evidence of probable~~
4 ~~cause.~~
5 ~~(2) Approve the filing of a petition if there is probable cause to~~
6 ~~believe that:~~
7 ~~(A) the child is a delinquent child; and~~
8 ~~(B) it is in the best interests of the child or the public that the~~
9 ~~petition be filed.~~

10 SECTION 2. IC 31-37-10-5, AS AMENDED BY P.L.146-2008,
11 SECTION 634, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) **If the filing of a petition is**
13 **approved by the court under section 2** **If the prosecuting attorney has**
14 **filed a petition under section 1** of this chapter, the prosecuting
15 attorney may request in writing that the child be taken into custody.
16 The **person prosecuting attorney** must support this request with sworn
17 testimony or affidavit.



1 (b) The court may grant the request if the court makes written
2 findings of fact upon the record that a ground for detention exists under
3 IC 31-37-6-6.

