



January 25, 2022

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## HOUSE BILL No. 1300

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DIGEST OF HB 1300 (Updated January 25, 2022 11:25 am - DI 137)

**Citations Affected:** IC 27-10; IC 33-24; IC 35-33.

**Synopsis:** Bail. Allows a charitable organization to pay bail on behalf of a defendant if the organization: (1) is certified by the commissioner of the department of insurance; (2) pays cash bail in the amount of \$2,000 or less on behalf of a defendant charged only with a misdemeanor; (3) only pays bail for a defendant who is indigent; (4) is represented by a bail agent; and (5) meets certain other requirements. Exempts from the certification requirement a charitable organization that pays bail for not more than two individuals in any 180 day period. Provides that a case management system developed and operated by the office of judicial administration must include a searchable field for certain information of the person or entity that pays bail for an individual.

**Effective:** July 1, 2022.

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### Mayfield, Schaibley

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January 11, 2022, read first time and referred to Committee on Financial Institutions and Insurance.  
January 25, 2022, amended, reported — Do Pass.

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HB 1300—LS 6885/DI 149





January 25, 2022

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.

## HOUSE BILL No. 1300

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 JULY 1, 2022]: Sec. 4. Every surety for the  
3 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 that:

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1 (A) is certified by the commissioner under section 4.5 of  
2 this chapter; 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 JULY  
7 1, 2022]: Sec. 4.5. (a) As used in this section, "charitable bail  
8 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) The commissioner may certify a person as a charitable bail  
12 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 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 an agreement described in**  
 36 **IC 35-33-8-3.2 allowing the court to retain all or a part of the**  
 37 **bail to pay publicly paid costs of representation and fines,**  
 38 **costs, fees, and restitution that the court may order the**  
 39 **defendant to pay if the defendant is convicted.**

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



1           **(h) All fees collected under this section must be deposited in the**  
 2 **state general fund.**

3           **(i) The commissioner shall adopt rules under IC 4-22-2 to**  
 4 **implement this section.**

5           SECTION 3. IC 33-24-6-3, AS AMENDED BY P.L.115-2021,  
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2022]: Sec. 3. (a) The office of judicial administration shall  
 8 do the following:

9           (1) Examine the administrative and business methods and systems  
 10 employed in the offices of the clerks of court and other offices  
 11 related to and serving the courts and make recommendations for  
 12 necessary improvement.

13           (2) Collect and compile statistical data and other information on  
 14 the judicial work of the courts in Indiana. All justices of the  
 15 supreme court, judges of the court of appeals, judges of all trial  
 16 courts, and any city or town courts, whether having general or  
 17 special jurisdiction, court clerks, court reporters, and other  
 18 officers and employees of the courts shall, upon notice by the  
 19 chief administrative officer and in compliance with procedures  
 20 prescribed by the chief administrative officer, furnish the chief  
 21 administrative officer the information as is requested concerning  
 22 the nature and volume of judicial business. The information must  
 23 include the following:

24           (A) The volume, condition, and type of business conducted by  
 25 the courts.

26           (B) The methods of procedure in the courts.

27           (C) The work accomplished by the courts.

28           (D) The receipt and expenditure of public money by and for  
 29 the operation of the courts.

30           (E) The methods of disposition or termination of cases.

31           (3) Prepare and publish reports, not less than one (1) or more than  
 32 two (2) times per year, on the nature and volume of judicial work  
 33 performed by the courts as determined by the information  
 34 required in subdivision (2).

35           (4) Serve the judicial nominating commission and the judicial  
 36 qualifications commission in the performance by the commissions  
 37 of their statutory and constitutional functions.

38           (5) Administer the civil legal aid fund as required by IC 33-24-12.

39           (6) Administer the court technology fund established by section  
 40 12 of this chapter.

41           (7) By December 31, 2013, develop and implement a standard  
 42 protocol for sending and receiving court data:



- 1 (A) between the protective order registry, established by  
 2 IC 5-2-9-5.5, and county court case management systems;  
 3 (B) at the option of the county prosecuting attorney, for:  
 4 (i) a prosecuting attorney's case management system;  
 5 (ii) a county court case management system; and  
 6 (iii) a county court case management system developed and  
 7 operated by the office of judicial administration;  
 8 to interface with the electronic traffic tickets, as defined by  
 9 IC 9-30-3-2.5; and  
 10 (C) between county court case management systems and the  
 11 case management system developed and operated by the office  
 12 of judicial administration.
- 13 The standard protocol developed and implemented under this  
 14 subdivision shall permit private sector vendors, including vendors  
 15 providing service to a local system and vendors accessing the  
 16 system for information, to send and receive court information on  
 17 an equitable basis and at an equitable cost, **and for a case**  
 18 **management system developed and operated by the office of**  
 19 **judicial administration, must include a searchable field for the**  
 20 **name and bail agent license number, if applicable, of the**  
 21 **person or entity that pays bail for an individual as described**  
 22 **in IC 35-33-8-3.2.**
- 23 (8) Establish and administer an electronic system for receiving  
 24 information that relates to certain individuals who may be  
 25 prohibited from possessing a firearm for the purpose of:  
 26 (A) transmitting this information to the Federal Bureau of  
 27 Investigation for inclusion in the NICS; and  
 28 (B) beginning July 1, 2021, compiling and publishing certain  
 29 statistics related to the confiscation and retention of firearms  
 30 as described under section 14 of this chapter.
- 31 (9) Establish and administer an electronic system for receiving  
 32 drug related felony conviction information from courts. The office  
 33 of judicial administration shall notify NPLeX of each drug related  
 34 felony entered after June 30, 2012, and do the following:  
 35 (A) Provide NPLeX with the following information:  
 36 (i) The convicted individual's full name.  
 37 (ii) The convicted individual's date of birth.  
 38 (iii) The convicted individual's driver's license number, state  
 39 personal identification number, or other unique number, if  
 40 available.  
 41 (iv) The date the individual was convicted of the felony.  
 42 Upon receipt of the information from the office of judicial



- 1 administration, a stop sale alert must be generated through  
 2 NPLEx for each individual reported under this clause.  
 3 (B) Notify NPLEx if the felony of an individual reported under  
 4 clause (A) has been:  
 5 (i) set aside;  
 6 (ii) reversed;  
 7 (iii) expunged; or  
 8 (iv) vacated.  
 9 Upon receipt of information under this clause, NPLEx shall  
 10 remove the stop sale alert issued under clause (A) for the  
 11 individual.  
 12 (10) After July 1, 2018, establish and administer an electronic  
 13 system for receiving from courts felony conviction information for  
 14 each felony described in IC 20-28-5-8(c). The office of judicial  
 15 administration shall notify the department of education at least  
 16 one (1) time each week of each felony described in  
 17 IC 20-28-5-8(c) entered after July 1, 2018, and do the following:  
 18 (A) Provide the department of education with the following  
 19 information:  
 20 (i) The convicted individual's full name.  
 21 (ii) The convicted individual's date of birth.  
 22 (iii) The convicted individual's driver's license number, state  
 23 personal identification number, or other unique number, if  
 24 available.  
 25 (iv) The date the individual was convicted of the felony.  
 26 (B) Notify the department of education if the felony of an  
 27 individual reported under clause (A) has been:  
 28 (i) set aside;  
 29 (ii) reversed; or  
 30 (iii) vacated.  
 31 (11) Perform legal and administrative duties for the justices as  
 32 determined by the justices.  
 33 (12) Provide staff support for the judicial conference of Indiana  
 34 established in IC 33-38-9.  
 35 (13) Work with the United States Department of Veterans Affairs  
 36 to identify and address the needs of veterans in the court system.  
 37 (14) If necessary for purposes of IC 35-47-16-1, issue a retired  
 38 judicial officer an identification card identifying the retired  
 39 judicial officer as a retired judicial officer.  
 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 4. IC 35-33-8-3.2, AS AMENDED BY P.L.161-2018,  
4 SECTION 115, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2022]: Sec. 3.2. (a) After considering the results  
6 of the Indiana pretrial risk assessment system (if available), other  
7 relevant factors, and bail guidelines described in section 3.8 of this  
8 chapter, a court may admit a defendant to bail and impose any of the  
9 following conditions to assure the defendant's appearance at any stage  
10 of the legal proceedings, or, upon a showing of clear and convincing  
11 evidence that the defendant poses a risk of physical danger to another  
12 person or the community, to assure the public's physical safety:

13 (1) Require the defendant to:

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

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

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

19 (D) post a real estate bond; or

20 (E) perform any combination of the requirements described in  
21 clauses (A) through (D).

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

30 (2) Require the defendant to execute:

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

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

38 A portion of the deposit, not to exceed ten percent (10%) of the  
39 monetary value of the deposit or fifty dollars (\$50), whichever is  
40 the lesser amount, may be retained as an administrative fee. The  
41 clerk shall also retain from the deposit under this subdivision  
42 fines, costs, fees, and restitution as ordered by the court, publicly



- 1 paid costs of representation that shall be disposed of in  
 2 accordance with subsection (b), and the fee required by  
 3 subsection (d). In the event of the posting of a real estate bond,  
 4 the bond shall be used only to insure the presence of the  
 5 defendant at any stage of the legal proceedings, but shall not be  
 6 foreclosed for the payment of fines, costs, fees, or restitution. The  
 7 individual posting bail for the defendant or the defendant  
 8 admitted to bail under this subdivision must be notified by the  
 9 sheriff, court, or clerk that the defendant's deposit may be  
 10 forfeited under section 7 of this chapter or retained under  
 11 subsection (b).
- 12 (3) Impose reasonable restrictions on the activities, movements,  
 13 associations, and residence of the defendant during the period of  
 14 release.
- 15 (4) Except as provided in section 3.6 of this chapter, require the  
 16 defendant to refrain from any direct or indirect contact with an  
 17 individual and, if the defendant has been charged with an offense  
 18 under IC 35-46-3, any animal belonging to the individual,  
 19 including if the defendant has not been released from lawful  
 20 detention.
- 21 (5) Place the defendant under the reasonable supervision of a  
 22 probation officer, pretrial services agency, or other appropriate  
 23 public official. If the court places the defendant under the  
 24 supervision of a probation officer or pretrial services agency, the  
 25 court shall determine whether the defendant must pay the pretrial  
 26 services fee under section 3.3 of this chapter.
- 27 (6) Release the defendant into the care of a qualified person or  
 28 organization responsible for supervising the defendant and  
 29 assisting the defendant in appearing in court. The supervisor shall  
 30 maintain reasonable contact with the defendant in order to assist  
 31 the defendant in making arrangements to appear in court and,  
 32 where appropriate, shall accompany the defendant to court. The  
 33 supervisor need not be financially responsible for the defendant.
- 34 (7) Release the defendant on personal recognizance unless:  
 35 (A) the state presents evidence relevant to a risk by the  
 36 defendant:  
 37 (i) of nonappearance; or  
 38 (ii) to the physical safety of the public; and  
 39 (B) the court finds by a preponderance of the evidence that the  
 40 risk exists.
- 41 (8) Require a defendant charged with an offense under IC 35-46-3  
 42 to refrain from owning, harboring, or training an animal.



1 (9) Impose any other reasonable restrictions designed to assure  
 2 the defendant's presence in court or the physical safety of another  
 3 person or the community.

4 (b) Within thirty (30) days after disposition of the charges against  
 5 the defendant, the court that admitted the defendant to bail shall order  
 6 the clerk to remit the amount of the deposit remaining under subsection  
 7 (a)(2) to the defendant. The portion of the deposit that is not remitted  
 8 to the defendant shall be deposited by the clerk in the supplemental  
 9 public defender services fund established under IC 33-40-3.

10 (c) For purposes of subsection (b), "disposition" occurs when the  
 11 indictment or information is dismissed or the defendant is acquitted or  
 12 convicted of the charges.

13 (d) Except as provided in subsection (e), the clerk of the court shall:

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

16 (2) retain a fee of five dollars (\$5) from each deposit under  
 17 subsection (a)(2).

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

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

28 (f) When a court imposes a condition of bail described in subsection  
 29 (a)(4):

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

31 (2) the prosecuting attorney shall file a confidential form  
 32 prescribed or approved by the office of judicial administration  
 33 with the clerk.

34 **(g) The clerk of the court shall record the name, address and**  
 35 **bail agent license number, if applicable, of the individual or entity**  
 36 **posting bail for the defendant in the county court electronic case**  
 37 **management system.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions and Insurance, to which was referred House Bill 1300, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, delete lines 5 through 12.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1300 as introduced.)

CARBAUGH

Committee Vote: yeas 12, nays 1.

