

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 ENROLLED ACT No. 1300

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AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 27-10-2-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2022]: **Sec. 4.1. The commissioner shall regulate a charitable bail organization (as defined in section 4.5 of this chapter) in accordance with section 4.5 of this chapter.**

SECTION 2. IC 27-10-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2022]: **Sec. 4.5. (a) The following definitions apply throughout this section:**

**(1) "Charitable bail organization" means a business entity, or a nonprofit organization under:**

**(A) the Internal Revenue Code; or**

**(B) Indiana law;**

**that exists for the purpose of paying cash bail for another person. However, the term does not include a person who pays cash bail for three (3) or fewer defendants in any one hundred eighty (180) day period, or a person who pays bail for a relative (as defined in IC 35-42-2-1(b)).**

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

**(b) The commissioner may certify a charitable bail organization if the charitable bail organization:**

HEA 1300 — CC 1



- (1) is a business entity, or a nonprofit organization under:**
  - (A) the Internal Revenue Code; or**
  - (B) Indiana law;**
- (2) is currently registered to do business in Indiana;**
- (3) is located in Indiana; and**
- (4) exists for the purpose of depositing cash bail for an indigent defendant who:**
  - (A) is not charged with a crime of violence; or**
  - (B) if charged with a felony, does not have a prior conviction for a crime of violence.**

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

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

- (1) person pays an application fee of three hundred dollars (\$300);**
- (2) person meets the requirements of this section; and**
- (3) person, including an officer or director of the person, has not engaged in conduct that:**
  - (A) constitutes fraud, dishonesty, or deception;**
  - (B) constitutes malfeasance, misfeasance, or nonfeasance in dealing with money; or**
  - (C) resulted in the suspension or revocation of a previous certification.**

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

**(f) The commissioner shall deny, suspend, revoke, or refuse to renew certification for any of the following causes:**

- (1) Any cause for which issuance of the certification could have been refused had it then existed and been known to the commissioner.**
- (2) Violation of any laws of this state in the course of dealings under the certification.**
- (3) Material misstatement, misrepresentation, or fraud in obtaining the certification.**



**(4) Misappropriation, conversion, or unlawful withholding of money belonging to donors or others and received in the conduct of business under the certification.**

**(5) Fraudulent or dishonest practices in the conduct of business under the certification.**

**(6) Willful failure to comply with or willful violation of any proper order or rule of the commissioner.**

**(7) When, in the judgment of the commissioner, the certificate holder has, in the conduct of affairs under the certification, demonstrated:**

**(A) incompetency or untrustworthiness;**

**(B) conduct or practices rendering the certificate holder unfit to carry on charitable bail activities or making the certificate holder's continuance detrimental to the public interest; or**

**(C) that the certificate holder is no longer in good faith carrying on as a charitable bail organization;**

**and for these reasons is found by the commissioner to be a source of detriment, injury, or loss to the public.**

**(8) The listing of the name of the applicant or certificate holder on the most recent tax warrant list supplied to the commissioner by the department of state revenue.**

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

**(1) If the charitable bail organization pays, or intends to pay, bail for more than three (3) individuals in any one hundred eighty (180) day period, the charitable bail organization must be certified by the commissioner under this section before soliciting or accepting donations for bail for another person, and before depositing money for bail for another person.**

**(2) A charitable bail organization may not pay bail for a defendant who:**

**(A) is charged with a crime of violence; or**

**(B) is charged with a felony and has a prior conviction for a crime of violence.**

**(3) A charitable bail organization may not execute a surety bond for a defendant.**

**(4) A charitable bail organization shall, before paying bail for an individual, execute an agreement described in IC 35-33-8-3.2 allowing the court to retain all or a part of the bail 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.**

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

**(h) All fees collected under this section must be deposited in the bail bond enforcement and administration fund created by IC 27-10-5-1.**

**(i) Any authorized employee of a charitable bail organization may only deposit cash bail to the court.**

**(j) If an individual fails to appear, the bail shall be forfeited in the manner described in IC 35-33-8-7 and the court shall take the steps described in IC 35-33-8-8.**

SECTION 3. IC 27-10-2-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.6. The commissioner shall adopt:**

**(1) before July 1, 2022, emergency rules under IC 4-22-2-37.1; and**

**(2) rules under IC 4-22-2;**

**to implement section 4.5 of this chapter.**

SECTION 4. IC 33-24-6-3, AS AMENDED BY HEA 1359-2022, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 3. (a) The office of judicial administration shall do the following:**

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

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

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

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

**(C) The work accomplished by the courts.**



- (D) The receipt and expenditure of public money by and for the operation of the courts.
- (E) The methods of disposition or termination of cases.
- (3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).
- (4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.
- (5) Administer the civil legal aid fund as required by IC 33-24-12.
- (6) Administer the court technology fund established by section 12 of this chapter.
- (7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:
  - (A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;
  - (B) at the option of the county prosecuting attorney, for:
    - (i) a prosecuting attorney's case management system;
    - (ii) a county court case management system; and
    - (iii) a county court case management system developed and operated by the office of judicial administration;
 to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and
  - (C) between county court case management systems and the case management system developed and operated by the office of judicial administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost, **and for a case management system developed and operated by the office of judicial administration, must include a searchable field for the name and bail agent license number, if applicable, of the bail agent or a person authorized by the surety that pays bail for an individual as described in IC 35-33-8-3.2.**

- (8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm for the purpose of:
  - (A) transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS; and



(B) beginning July 1, 2021, compiling and publishing certain statistics related to the confiscation and retention of firearms as described under section 14 of this chapter.

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The office of judicial administration shall notify NPLeX of each drug related felony entered after June 30, 2012, and do the following:

(A) Provide NPLeX with the following information:

- (i) The convicted individual's full name.
- (ii) The convicted individual's date of birth.
- (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.
- (iv) The date the individual was convicted of the felony.

Upon receipt of the information from the office of judicial administration, a stop sale alert must be generated through NPLeX for each individual reported under this clause.

(B) Notify NPLeX if the felony of an individual reported under clause (A) has been:

- (i) set aside;
- (ii) reversed;
- (iii) expunged; or
- (iv) vacated.

Upon receipt of information under this clause, NPLeX shall remove the stop sale alert issued under clause (A) for the individual.

(10) After July 1, 2018, establish and administer an electronic system for receiving from courts felony conviction information for each felony described in IC 20-28-5-8(c). The office of judicial administration shall notify the department of education at least one (1) time each week of each felony described in IC 20-28-5-8(c) entered after July 1, 2018, and do the following:

(A) Provide the department of education with the following information:

- (i) The convicted individual's full name.
- (ii) The convicted individual's date of birth.
- (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.
- (iv) The date the individual was convicted of the felony.

(B) Notify the department of education if the felony of an individual reported under clause (A) has been:



- (i) set aside;
- (ii) reversed; or
- (iii) vacated.

(11) Perform legal and administrative duties for the justices as determined by the justices.

(12) Provide staff support for the judicial conference of Indiana established in IC 33-38-9.

(13) Work with the United States Department of Veterans Affairs to identify and address the needs of veterans in the court system.

(14) If necessary for purposes of IC 35-47-16-1, issue a retired judicial officer an identification card identifying the retired judicial officer as a retired judicial officer.

(15) Establish and administer the statewide juvenile justice data aggregation plan established under section 12.5 of this chapter.

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

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

SECTION 5. IC 35-33-8-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.6. (a) Neither the state nor a political subdivision (as defined in IC 36-1-2-13) may:**

**(1) post bail for any person; or**

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

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

SECTION 6. IC 35-33-8-3.2, AS AMENDED BY P.L.161-2018, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3.2. (a) After considering the results of the Indiana pretrial risk assessment system (if available), other relevant factors, and bail guidelines described in section 3.8 of this chapter, a court may admit a defendant to bail and impose any of the following conditions to assure the defendant's appearance at any stage of the legal proceedings, or, upon a showing of clear and convincing evidence that the defendant poses a risk of physical danger to another person or the community, to assure the public's physical safety:

(1) Require the defendant to:

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



- (B) deposit cash or securities in an amount equal to the bail;
- (C) execute a bond secured by real estate in the county, where thirty-three hundredths (0.33) of the true tax value less encumbrances is at least equal to the amount of the bail;
- (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. **Before execution of the agreement, the defendant or person who makes the deposit on behalf of the defendant shall be advised that, upon conviction of the defendant, the court may retain from the cash deposited as bail 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, including if the defendant has not been released from lawful detention.

(5) Place the defendant under the reasonable supervision of a probation officer, pretrial services agency, or other appropriate public official. If the court places the defendant under the supervision of a probation officer or pretrial services agency, the court shall determine whether the defendant must pay the pretrial services fee under section 3.3 of this chapter.

(6) Release the defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court. The supervisor shall maintain reasonable contact with the defendant in order to assist the defendant in making arrangements to appear in court and, where appropriate, shall accompany the defendant to court. The supervisor need not be financially responsible for the defendant.

(7) Release the defendant on personal recognizance unless:

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

(i) of nonappearance; or

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

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

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

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

(b) Within thirty (30) days after disposition of the charges against the defendant, the court that admitted the defendant to bail shall order the clerk to remit the amount of the deposit remaining under subsection (a)(2) to the ~~defendant~~ **person who made the deposit**. The portion of



the deposit that is not remitted to the ~~defendant~~ **person who made the deposit** shall be deposited by the clerk in the supplemental public defender services fund established under IC 33-40-3.

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

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

- (1) collect a fee of five dollars (\$5) from each bond or deposit required under subsection (a)(1); and
- (2) retain a fee of five dollars (\$5) from each deposit under subsection (a)(2).

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

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

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

- (1) the clerk of the court shall comply with IC 5-2-9; and
- (2) the prosecuting attorney shall file a confidential form prescribed or approved by the office of judicial administration with the clerk.

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

**SECTION 7. An emergency is declared for this act.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

HEA 1300 — CC 1

