

SENATE BILL No. 470

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44.1-3-4.

Synopsis: Basis for escape. Removes a violation of a home detention order as a basis for committing the crime of escape.

Effective: July 1, 2023.

Pol Jr.

January 19, 2023, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 470



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

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

1 SECTION 1. IC 35-44.1-3-4, AS AMENDED BY P.L.84-2022,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 4. (a) This section does not apply to a child who:
4 (1) flees from lawful detention (as defined in IC 35-31.5-2-186)
5 where the child has been placed;
6 (2) violates a home detention order imposed on the child;
7 (3) removes, disables, or interferes with the operation of an
8 electronic monitoring device or GPS tracking device that the child
9 is required to wear; or
10 (4) fails to return to lawful detention following temporary leave
11 granted for a specified purpose or limited period;
12 due to an allegation or adjudication that the child committed an act
13 described in IC 31-37-2-3 through IC 31-37-2-7 (status offenses),
14 unless the child, while committing the offense, draws or uses a deadly
15 weapon or inflicts bodily injury on another person.
16 (b) A person, except as provided in subsection (c), who intentionally
17 flees from lawful detention commits escape, a Level 5 felony.



1 However, the offense is a Level 4 felony if, while committing it, the
2 person draws or uses a deadly weapon or inflicts bodily injury on
3 another person.

4 (c) A person who

5 ~~(1)~~ knowingly or intentionally violates a home detention order;
6 except for a provision of a home detention order relating to:

7 ~~(A)~~ the possession or consumption of alcohol or a controlled
8 substance in the person's home;

9 ~~(B)~~ tardiness to or missed appointments with supervising staff;
10 or

11 ~~(C)~~ the failure to pay user fees; or

12 ~~(2)~~ intentionally removes, disables, or interferes with the
13 operation of an electronic monitoring device or GPS tracking
14 device commits escape, a Level 6 felony.

15 (d) A person who knowingly or intentionally fails to return to lawful
16 detention following temporary leave granted for a specified purpose or
17 limited period commits failure to return to lawful detention, a Level 6
18 felony. However, the offense is a Level 5 felony if, while committing
19 it, the person draws or uses a deadly weapon or inflicts bodily injury on
20 another person.

