



Reprinted
April 5, 2023

ENGROSSED SENATE JOINT RESOLUTION No. 1

DIGEST OF SJ 1 (Updated April 4, 2023 2:15 pm - DI 106)

Citations Affected: Article 1, Section 17 of the Constitution of the State of Indiana.

Synopsis: Limitation on right to bail. Provides that an offense other than murder or treason is not bailable if: (1) the proof is evident or the presumption strong; and (2) the state proves by clear and convincing evidence that no release conditions will reasonably protect the safety of any other person or the community.

Effective: This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

**Koch, Bray, Freeman, Baldwin,
Bohacek**

(HOUSE SPONSORS — JETER, STEUERWALD, MCNAMARA, TORR)

January 9, 2023, read first time and referred to Committee on Corrections and Criminal Law.

January 19, 2023, reported favorably — Do Pass.

January 24, 2023, read second time, ordered engrossed. Engrossed.

January 26, 2023, read third time, passed. Yeas 34, nays 15.

HOUSE ACTION

February 7, 2023, read first time and referred to Committee on Courts and Criminal Code.

March 30, 2023, amended, reported — Do Pass.

April 4, 2023, read second time, amended, ordered engrossed.

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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.

ENGROSSED SENATE JOINT RESOLUTION No. 1

A JOINT RESOLUTION proposing an amendment to Article 1, Section 17 of the Constitution of the State of Indiana concerning constitutional law.

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

- 1 SECTION 1. The following amendment to the Constitution of the
2 State of Indiana is proposed and agreed to by this, the One Hundred
3 Twenty-Third General Assembly of the State of Indiana, and is referred
4 to the next General Assembly for reconsideration and agreement.
5 SECTION 2. ARTICLE 1, SECTION 17 OF THE CONSTITUTION
6 OF THE STATE OF INDIANA IS AMENDED TO READ AS
7 FOLLOWS: Section 17. Offenses, other than murder or treason, shall
8 be bailable by sufficient sureties, **unless the accused poses a**
9 **substantial risk to any other person or the community.** Murder or
10 treason shall not be bailable when the proof is evident, or the
11 presumption strong. **An offense other than murder or treason shall**

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- 1 **not be bailable if:**
- 2 **(1) the proof is evident or the presumption strong; and**
- 3 **(2) the state proves by clear and convincing evidence that no**
- 4 **release conditions will reasonably protect the safety of any**
- 5 **other person or the community.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Joint Resolution No. 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution DO PASS.

(Reference is to SJ 1 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 5, Nays 3

COMMITTEE REPORT

Mr. Speaker: The House Committee on Courts and Criminal Code, to which was referred Senate Joint Resolution No. 1, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution be AMENDED as follows:

Page 1, delete lines 5 through 11, begin a new paragraph, and insert:

"SECTION 2. ARTICLE 1, SECTION 17 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 17. Offenses, other than murder or treason, shall be bailable by sufficient sureties, **unless the accused poses a substantial risk to any other person or the community.** Murder or treason shall not be bailable when the proof is evident, or the presumption strong. **An offense other than murder or treason shall not be bailable if the state proves by clear and convincing evidence that no release conditions will reasonably protect the safety of any other person or the community.**".

and when so amended that said resolution do pass.

(Reference is to SJR 1 as printed January 20, 2023.)

MCNAMARA

Committee Vote: yeas 7, nays 5.



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Joint Resolution 1 be amended to read as follows:

Page 2, line 1, delete "if" and insert "**if:**

**(1) the proof is evident or the presumption strong; and
(2)".**

(Reference is to ESJR 1 as printed March 30, 2023.)

JETER

