

PROPOSED AMENDMENT

SB 324 # 2

DIGEST

Violent arrestees. Requires that a bail hearing for a violent arrestee be held in open court, and sets minimum bail requirements for the release of a repeat violent arrestee.

- 1 Page 5, delete lines 18 through 26, begin a new paragraph and
2 insert:
3 "SECTION 4. IC 35-33-8-3.4 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2025]: **Sec. 3.4. (a) This section applies only**
6 **to a violent arrestee.**
7 **(b) The following definitions apply throughout this section:**
8 **(1) "Crime of violence" means an offense:**
9 **(A) described in IC 35-50-1-2(a); and**
10 **(B) that is a Level 1, Level 2, Level 3, Level 4, or Level 5**
11 **felony.**
12 **(2) "Default bail schedule" means the following minimum bail**
13 **amounts, based on the most serious charged crime:**
14 **(A) For murder, no bail.**
15 **(B) For a Class A felony, Level 1 felony, or Level 2 felony,**
16 **fifty thousand dollars (\$50,000).**
17 **(C) For a Class B felony, Level 3 felony, or Level 4 felony,**
18 **twenty thousand dollars (\$20,000).**
19 **(D) For a Class C felony or Level 5 felony that is a crime of**
20 **domestic violence, twenty-five thousand dollars (\$25,000).**
21 **(E) For a Class C felony or Level 5 felony that is not a**
22 **crime of domestic violence, seven thousand five hundred**
23 **dollars (\$7,500).**
24 **(F) For a Class D felony or Level 6 felony, five hundred**
25 **dollars (\$500).**
26 **(3) "Minimum bail amount" means:**
27 **(A) if:**

- 1 (i) the court has adopted a bail schedule, the bail amount
2 prescribed for a particular offense in the court's bail
3 schedule; or
4 (ii) the court has not adopted a bail schedule, the default
5 bail schedule; or
6 (B) if the violent arrestee has a prior conviction for a crime
7 of violence, twice the bail amount prescribed for a
8 particular offense in the court's bail schedule or default
9 bail schedule (whichever applies) for a violent arrestee
10 without a prior conviction for a crime of violence;
11 as applicable.
12 (4) "Repeat violent arrestee" means a person arrested for or
13 charged with a crime of violence who has a prior conviction
14 for a crime of violence.
15 (5) "Violent arrestee" means a person arrested for or charged
16 with a crime of violence.
17 (c) A violent arrestee may not be released pursuant to a bail
18 schedule, and may only be released on bail set individually by the
19 court following a hearing held in open court. Except as provided in
20 section 6 of this chapter, the court shall conduct a bail hearing not
21 later than forty-eight (48) hours after the person has been arrested,
22 unless exigent circumstances prevent holding the hearing within
23 forty-eight (48) hours. Before releasing a violent arrestee on bail,
24 the court must review the probable cause affidavit or arrest
25 warrant.
26 (d) A repeat violent arrestee may not be released pursuant to a
27 bail schedule, and may only be released on bail set individually by
28 the court following a hearing held in open court. Except as
29 provided in section 6 of this chapter, the court shall conduct a bail
30 hearing not later than forty-eight (48) hours after the person has
31 been arrested, unless exigent circumstances prevent holding the
32 hearing within forty-eight (48) hours. Before releasing a repeat
33 violent arrestee on bail, the court must review the probable cause
34 affidavit or arrest warrant. If a court releases a repeat violent
35 arrestee on bail, the court must impose bail in an amount that
36 equals or exceeds the minimum bail amount for the repeat violent
37 arrestee's most serious offense.
38 (e) A third party may not pay money bail imposed under this
39 section on behalf of a repeat violent arrestee (even for the portion
40 that exceeds the minimum bail amount) unless the third party is a

1 **close relative (as defined in IC 33-23-11-2) of the repeat violent**
2 **arrestee."**

(Reference is to SB 324 as introduced.)