
ENGROSSED HOUSE BILL No. 1353

DIGEST OF HB1353 (Updated February 18, 1998 5:28 pm - DI 76)

Citations Affected: IC 35-41; IC 35-44.

Synopsis: Lawful detention and community corrections. Provides that for purposes of criminal law and procedure, lawful detention includes placement in a community corrections program.

Effective: July 1, 1998.

Crooks, Foley

(SENATE SPONSORS — HUME, WATERMAN)

January 13, 1998, read first time and referred to Committee on Courts and Criminal Code.
January 26, 1998, reported — Do Pass.
January 29, 1998, read second time, amended, ordered engrossed.
January 30, 1998, engrossed.
February 3, 1998, read third time, passed. Yeas 98, nays 1.
SENATE ACTION
February 9, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
February 19, 1998, reported favorably — Do Pass.

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Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

HOUSE ENROLLED ACT No. 1353

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

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

SECTION 1. IC 35-41-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 18. (a) "Lawful detention" means:

- (1) arrest;
- (2) custody following surrender in lieu of arrest;
- (3) detention in a penal facility;
- (4) detention in a facility for custody of persons alleged or found to be delinquent children;
- (5) detention under a law authorizing civil commitment in lieu of criminal proceedings or authorizing such detention while criminal proceedings are held in abeyance;
- (6) detention for extradition or deportation; ~~or~~
- (7) **placement in a community corrections program's residential facility or electronic monitoring;**
- (8) custody for purposes incident to any of the above including transportation, medical diagnosis or treatment, court appearances, work, or recreation; or
- (9) any other detention for law enforcement purposes. ~~but it~~

(b) **Except as provided in subsection (a)(7), the term** does not include supervision of a person on probation or parole or constraint

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incidental to release with or without bail.

SECTION 2. IC 35-44-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) A person, **except as provided in subsection (b)**, who intentionally flees from lawful detention commits escape, a Class C felony. However, the offense is a Class B felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

(b) A person who knowingly or intentionally violates a home detention order and intentionally removes an electronic monitoring device commits escape, a Class D felony.

~~(b)~~ (c) A person who knowingly or intentionally fails to return to lawful detention following temporary leave granted for a specified purpose or limited period commits failure to return to lawful detention, a Class D felony. However, the offense is a Class C felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

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