

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR SB 264**

**Citations Affected:** IC 5-10-10-5; IC 35-33-8.

**Synopsis:** Bail and personal recognizance. Conference committee report for ESB 264. Bail and personal recognizance. Provides that if: (1) a court admits a defendant to bail and requires the defendant to execute a bail bond by depositing cash or securities in an amount not less than 10% of the bail; and (2) the defendant is convicted, the court may retain all or a part of the cash or securities to pay the defendant's fines, costs, fees, and restitution. Specifies that if a real estate bond is posted, the bond shall be used only to insure the presence of the defendant at any stage of the legal proceedings but may not be foreclosed for the payment of fines, costs, fees, or restitution. Allows a court to: (1) increase the amount of any required bail; (2) deny a request to reduce bail; or (3) revoke bail or an order for release on personal recognizance on the basis that a defendant poses a risk to the physical safety of another person or the community or that a defendant has threatened or intimidated an alleged victim. (This Conference Committee Report removes language from ESB 264 that would allow: (1) a county sheriff to establish a program that allows county jail inmates to perform work outside of the jail on county inmate public works crews; and (2) a court to order parties who are found in contempt of court for violating certain support orders to participate in a work release crew for the purpose of using the party's earnings to satisfy the party's child support arrearage.)

**Effective:** Upon passage; July 1, 1998.

# CONFERENCE COMMITTEE REPORT

**MR. PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 264 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, delete lines 14 through 15.
- 2 Delete pages 2 through 3.
- 3 Page 4, delete lines 1 through 20.
- 4 Page 5, line 16, after "fees" insert ",".
- 5 Page 5, delete lines 38 through 41, begin a new line block indented
- 6 and insert:
- 7 **"(7) Release the defendant on personal recognition unless:**
- 8 **(A) the state presents evidence relevant to a risk by the**
- 9 **defendant:**
- 10 **(i) of nonappearance; or**
- 11 **(ii) to the physical safety of the public; and**
- 12 **(B) the court finds by a preponderance of the evidence**
- 13 **that the risk exists."**
- 14 Renumber all SECTIONS consecutively.  
(Reference is to ESB 264 as reprinted February 23, 1998.)

**Conference Committee Report**  
**on**  
**Senate Bill 264**

**S**igned by:

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Senator Zakas

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Representative Dvorak

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Senator Alexa

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Representative Murphy

**Senate Conferees**

**House Conferees**