



February 22, 2008

**ENGROSSED
HOUSE BILL No. 1276**

DIGEST OF HB 1276 (Updated February 20, 2008 11:34 am - DI 106)

Citations Affected: IC 35-33.

Synopsis: Bail. Defines "sexually violent predator defendant" as a person charged with the commission of a sex or violent offense who is a sexually violent predator. Allows a: (1) sexually violent predator defendant; (2) person charged with child molesting; and (3) person charged with child solicitation; to be released on bail only after a hearing in open court, and requires a court releasing one of these persons on bail to consider whether certain statutory factors warrant exceeding applicable court or county bail guidelines. Requires a bail hearing to be held within 48 hours unless exigent circumstances prevent the hearing from being held within 48 hours.

Effective: July 1, 2008.

Pflum, Saunders

(SENATE SPONSORS — PAUL, SIMPSON, DROZDA, ARNOLD)

January 15, 2008, read first time and referred to Committee on Judiciary.
January 24, 2008, reported — Do Pass.
January 28, 2008, read second time, ordered engrossed. Engrossed.
January 30, 2008, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 5, 2008, read first time and referred to Committee on Judiciary.
February 21, 2008, amended, reported favorably — Do Pass.

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February 22, 2008

Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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**ENGROSSED
HOUSE BILL No. 1276**

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 35-33-8-3.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 3.5. (a) This section applies only to a sexually violent
4 predator defendant.**
5 **(b) As used in this section, "sexually violent predator
6 defendant" means a person who:**
7 **(1) is a sexually violent predator under IC 35-38-1-7.5; and**
8 **(2) is arrested for or charged with the commission of an
9 offense that would classify the person as a sex or violent
10 offender (as defined in IC 11-8-8-5).**
11 **(c) A court may not admit a:**
12 **(1) sexually violent predator defendant;**
13 **(2) person charged with child molesting (IC 35-42-4-3); or**
14 **(3) person charged with child solicitation (IC 35-42-4-6);**
15 **to bail until the court has conducted a bail hearing in open court.**
16 **Except as provided in section 6 of this chapter, the court shall**
17 **conduct a bail hearing not later than forty-eight (48) hours after**

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1 **the person has been arrested, unless exigent circumstances prevent**
2 **holding the hearing within forty-eight (48) hours.**

3 **(d) At the conclusion of the hearing described in subsection (c),**
4 **the court shall consider whether the factors described in**
5 **IC 35-33-8-4 warrant the imposition of a bail amount that exceeds**
6 **court or county guidelines, if applicable.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1276, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LAWSON L, Chair

Committee Vote: yeas 7, nays 0.

SENATE MOTION

Madam President: I move that Senators Drozda and Arnold be added as cosponsors of Engrossed House Bill 1276.

PAUL

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1276, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 11, after "a" insert ":

(1)".

Page 1, line 11, after "defendant" insert ";

(2) **person charged with child molesting (IC 35-42-4-3); or**

(3) **person charged with child solicitation (IC 35-42-4-6);"**

Page 1, line 12, block left beginning with "to".

Page 1, line 15, delete "sexually violent predator defendant" and insert "**person**".

Page 1, line 15, after "arrested" insert ", **unless exigent circumstances prevent holding the hearing within forty-eight (48) hours**".

and when so amended that said bill do pass.

(Reference is to HB 1276 as printed January 25, 2008.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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