

IC 34-28-6

Chapter 6. Security Deposit Posted by a Nonresident Alleged to Have Violated Certain Statutes

IC 34-28-6-1

Arrest of nonresidents; recreational vehicle or hunting and fishing violations; release upon deposit of security

Sec. 1. Whenever a person who is not a resident of Indiana:

(1) is arrested or stopped for a misdemeanor violation or infraction under:

(A) IC 9-31-3;

(B) IC 14-15-2 through IC 14-15-7;

(C) IC 14-16-1; or

(D) IC 14-22; and

(2) is not immediately taken to court;

the person may, at the discretion of the officer, be released upon the deposit of a security. The security shall be the amount of the fine or judgment and costs for the violation in the form of cash, money order, or a traveler's check made payable to the clerk of the court in which the person will appear.

As added by P.L.1-1998, SEC.24. Amended by P.L.1-2010, SEC.137.

IC 34-28-6-2

List of security deposits; agreement as receipt

Sec. 2. A court having jurisdiction shall provide a list of security deposits, which shall be equal to the fine or judgment and costs of the offense, and a security deposit agreement to serve as a receipt for the deposit. A nonresident person who does not choose to deposit a security shall be processed as directed by a court having jurisdiction.

As added by P.L.1-1998, SEC.24.

IC 34-28-6-3

Requisites of agreement and notice to appear

Sec. 3. The agreement for security deposit and the written promise or notice to appear in court must contain a citation of the violation, the name and address of the nonresident person accused of committing the violation, and the time and place the person must appear in court.

As added by P.L.1-1998, SEC.24.

IC 34-28-6-4

Time and place of appearing; informing defendant of consequences of guilty plea or agreed judgment

Sec. 4. The time specified for appearance must be at least five (5) days after the arrest or stop unless the person demands an earlier arraignment. The place specified for appearance must be in a court having jurisdiction within the county where the person was arrested or given notice to appear. The person shall be properly informed of the consequences of a guilty plea or agreed judgment.

As added by P.L.1-1998, SEC.24.

IC 34-28-6-5**Agreement; consequences of failure to appear; return of security upon appearance**

Sec. 5. The agreement for the security must also contain a provision whereby the nonresident person agrees that the court shall take permanent possession of the deposit, and if the person fails to appear in court or is not represented in court, a guilty finding or an adverse judgment will be entered on the court's record in behalf of the person. Upon proper appearance or representation, the security shall be returned to the person.

As added by P.L.1-1998, SEC.24.

IC 34-28-6-6**Compliance with agreement**

Sec. 6. A nonresident person must, by the date required on the security deposit agreement, appear in court, be represented in court, or deliver to the court by mail or courier the amount of the fine or judgment and costs prescribed for the violation.

As added by P.L.1-1998, SEC.24.

IC 34-28-6-7**Procedure; requisites; failure to appear; forfeiture**

Sec. 7. A nonresident person who requests to deposit a security in the amount of the fine or judgment and costs shall, in the presence of the officer, place the amount of the fine or judgment and costs and one (1) signed copy of the security deposit agreement into a stamped, addressed envelope, which the court having jurisdiction shall supply to the officer for the person. The person shall then be released and given a copy of the security deposit agreement. The officer shall mail or deliver the stamped, self-addressed envelope to the court having jurisdiction. If the person does not appear in court or is not represented in court at the time and date specified on the receipt, the court shall:

- (1) enter a guilty finding or judgment against the person; and
- (2) use the security deposit to satisfy the amount of the fine or judgment and costs prescribed for the violation.

As added by P.L.1-1998, SEC.24.