

STATE OF INDIANA)
)
COUNTY OF HAMILTON)

Notice of Proposed Amendments to Local Rules

Pursuant to Indiana Rule of Trial Procedure 81(B), the Circuit and Superior Courts of Hamilton County ("Courts") give notice to the bar and public of the content of their proposed amendments to the following local rules:

LR29-AR00-103	Plan for Allocation of Judicial Resources
LR29-AR00-106	Duplication Fees
Appendix B to LR29-CR00-305	Hamilton County Pretrial Release Schedule

1. All new text is shown by underlining and deleted text is shown by ~~strikethrough~~.
2. Comments should be sent to:

Jill Acklin
Court Administrator
Jill.Acklin@hamiltoncounty.in.gov

3. Comments by the bar and public will be received until July 2, 2025.
4. Proposals will be adopted, modified, or rejected by the Courts by July 18, 2025.
5. The effective dates of the proposed amendments to the local rules shall be effective July 18, 2025, with the exception of LR29-AR00-103, which shall be effective September 1, 2025.
6. The text of the proposed local rules has been provided to the county clerk and to the Indiana Supreme Court Office of Judicial Administration ("OJA") in digital format; and
7. The Courts shall also give notice to the officers of the Hamilton County Bar Association.

WHEREFORE, the Courts respectfully request that the county clerk post this notice and the attached, proposed amendments to the local rules in the county clerk's office and on the county clerk's website, if any. The Courts further request that the OJA post this proposal on its website for public inspection and comment.

Respectfully submitted,

/s/ Andrew R. Bloch

Andrew R. Bloch, Judge

Hamilton Circuit Court

/s/ Michael A. Casati

Michael A. Casati, Judge

Hamilton Superior Court No. 1

/s/ Jon M. Brown

Jon M. Brown, Judge

Hamilton Superior Court No. 2

/s/ William J. Hughes

William J. Hughes, Judge

Hamilton Superior Court No. 3

/s/ J. Richard Campbell

J. Richard Campbell, Judge

Hamilton Superior Court No. 4

/s/ David K. Najjar

David K. Najjar, Judge

Hamilton Superior Court No. 5

/s/ Stephenie K. Gookins

Stephenie K. Gookins, Judge

Hamilton Superior Court No. 6

/s/ Darren J. Murphy

Darren J. Murphy, Judge

Hamilton Superior Court No. 7

In the Circuit and Superior Courts of Hamilton County Local Administrative Rules

LR29-AR00-103. PLAN FOR ALLOCATION OF JUDICIAL RESOURCES

103.10 The Circuit and Superior Courts of Hamilton County have previously adopted various rules concerning the filing of certain types of matters in the Hamilton Circuit and Superior Courts. Unless changed by addition, amendment and/or deletion, those rules remain in effect. In conjunction with the adoption of this Local Rule and plan, the following Hamilton County Local Rules also affect the allocation of judicial resources: LR29-AR00-110. Assignment of Infraction and Ordinance Violation Cases; LR29-TR76-210. Transfer of Small Claims, Infraction and Ordinance Violation Cases and Protective Orders in the Event of Disqualification; LR29-CR00-301. Criminal Random Filing; LR29-CR00-302. Clerk Procedures to Accomplish Criminal Random Filing; LR29-CR00-303. Filing Co-Defendants Under the Hamilton County Criminal Random Filing Rule; LR29-CR00-304. Filing Felony Cases Arising from Juvenile Waiver Hearings; LR29-CR13-312. Coordinated Local Rule of the Courts of Hamilton County, Enacted in Compliance with C.R. 2.2(D) and 13(C); LR29-DN01-602. Rules for Trial De Novo Following Civil Judgments; LR29-DN02-603. Rules for Trial De Novo Following Judgments for Infractions or Ordinance Violations; LR29-DN02-604. Rules for Trial De Novo Following Misdemeanor Trial in City or Town Court; LR29-PR00-702. Filing of Pleadings; and LR29-JV00-801. Assignment of Juvenile Case Numbers.

103.20 All requests for a prosecutor subpoena shall be filed in Superior Court No. 4, Superior Court No. 6, and Superior Court No. 7 on an even and random basis.

103.30 All requests for an order requiring the Indiana Bureau of Motor Vehicles to issue a title shall be filed in Superior Court No. 4. All petitions for change of name and/or gender marker shall be filed in Hamilton Circuit Court. All other MI cases shall be filed in any Hamilton Circuit or Superior Court. CE cases shall be filed in Superior Court No. 2. GV and RA cases shall be filed in any Hamilton Circuit or Superior Court.

103.40 Evictions (EV) and Small Claims (SC) cases shall be filed in Superior Court No. 4, Superior Court No. 6, and Superior Court No. 7.

103.50 The judges of the Courts of record of Hamilton County shall meet at least once annually for the purpose of reviewing the weighted caseload of each court, and at such other times as may be required either by the Courts themselves or to comply with new orders of the Indiana Supreme Court or to comply with the District Plan.

103.60 The judge of the Circuit Court may, with the consent of the judge of a receiving Superior Court, transfer any action either filed and/or docketed in the Circuit Court to the Superior Court to be re-docketed and disposed of as if originally filed with the receiving Superior Court. The judge of a Superior Court may, with the consent of the judge of the receiving Circuit Court or other receiving Superior Court, transfer any action either filed and/or docketed in the Superior Court to the Circuit Court or the other Superior Court to be re-docketed and disposed of as if originally filed with the receiving Court.

LR29-AR00-106. DUPLICATION FEES

106.10 The Judges of Hamilton County, in order to comply with IC 5-14-3-8, have established the following fees for duplication of audio and video media when permitted by the Court:

CD \$1.00/each

Flash drive \$5.00/each

106.20 To obtain a CD or flash drive of a hearing a FORM AR00-106 must be completed and submitted to the Court Reporter (copies of the Form may be obtained from the Court Reporter) and all amounts due must be paid before the CD or flash drive will be produced.

APPENDIX B TO LR29-CR00-305

HAMILTON COUNTY PRETRIAL RELEASE

SCHE**ULE**

This schedule applies to all cases to be filed in the Circuit and Superior Courts of this county and the City of Carmel, City of Noblesville, and City of Fishers Courts. **THE SHERIFF OF HAMILTON COUNTY IS HEREBY ORDERED TO FOLLOW THIS SCHE****ULE FOR DETERMINING THE PRETRIAL RELEASE OR DETENTION OF ALL INDIVIDUALS ARRESTED FOR CRIMINAL OFFENSES TO BE FILED IN THE ABOVE COURTS.**

Pursuant to the authority of the Hamilton County Circuit and Superior Courts to establish a reasonable basis for release/detention in criminal cases, a pretrial release schedule is established in accordance with the following terms and conditions as approved this date:

1. All individuals detained in the Hamilton County Jail and otherwise eligible to post bond shall be subject to pretrial release screening and risk assessment. This pretrial release schedule shall control the release or detention of all individuals screened by the Pretrial Services Program, unless a court, on its own motion or at the request of the State, issues an order setting a bond or detaining the individual until the initial hearing.
2. An individual is eligible for screening upon being booked-in unless the individual is booked in for an alcohol related offense or lacks the capacity to provide a valid risk assessment because of drugs, chemical withdrawal, or a mental or emotional condition. An individual booked-in for an alcohol related offense becomes eligible for screening pursuant to the chart established for release eligibility in Indiana Code 35-33-1-6. An individual who lacks the capacity to provide a valid risk assessment becomes eligible for screening when he/she regains that capacity.
3. If an individual is not screened within eight hours of being eligible for screening, the individual may be released in accordance with the Hamilton County Bond Schedule already in effect. Said individual however may be screened prior to posting bond if the screening can be completed without delaying the individual's release. If found to be appropriate, the individual may be released to Pretrial Services.
4. Except as provided in paragraph 3 above, no individual shall be released pursuant to this Pretrial Release Schedule or the Hamilton County Bond Schedule until that person is screened by Hamilton County Pretrial Services, and that screening shall include the administration of at least one State approved pretrial risk assessment and such other risk assessment instrument(s) that may be approved and required by the judges of the Circuit and Superior Courts of Hamilton County.
5. All decisions regarding release and release conditions under this Pretrial Release Schedule are conditional and may be reviewed *sua sponte* by the Court at the initial hearing based upon information obtained through the pretrial screening process. Subsequent to the initial hearing (or waiver thereof), the Court, *sua sponte*, or the Prosecuting Attorney or Defendant by written motion may request a hearing on the Defendant's pretrial release/detention status and/or conditions of release.
6. The following four risk categories are established:

- a. Category 1
- b. Category 2
- c. Category 3
- d. Category 4

7. Every detainee classified in Category 4 shall be detained in custody until his or her release can be reviewed by a judicial officer at or before the initial hearing.

8. A person shall be placed in Category 4 if:

- a. he/she is charged with an offense listed in Offense Level "D" as provided in paragraph 14;
- b. he/she is an individual who cannot be positively identified including, but not limited to, those individuals who refuse to cooperate in their identification by refusing to be fingerprinted, individuals who provide conflicting identification, and individuals whose identifying information cannot be verified;
- c. he/she has an outstanding arrest warrant, or is on probation, community corrections, diversion or deferral, or is currently released on bond or recognizance or to a pretrial release program for a pending criminal case;
- d. he/she is charged with the following offenses, or the attempt or conspiracy of the following offenses:

- 1) A crime of domestic violence (as described in IC 35-31.5-2-78).
- 2) Aggravated battery (IC 35-42-2-1.5).
- 3) Armor Piercing Ammunition (IC 35-47.5-11.5).
- 4) Arson (IC 35-43-1-1).
- 5) Assisting a Criminal (IC 35-44.1-2-5(a)(2)).
- 6) Battery (IC 35-42-2-1).
- 7) Burglary (IC 35-43-2-1).
- 8) Child Exploitation (IC 35-42-4-4(b), (c)).
- 9) Child Molesting (IC 35-42-4-3).
- 10) Criminal Confinement (IC 35-42-3-3).
- 11) Criminal Deviate Conduct (before repeal) (IC 35-42-4-2).
- 12) Criminal Recklessness as a felony (IC 35-42-2-2).
- 13) Domestic Battery (IC 35-42-2.1-3).
- 14) Escape/Failure to Return (IC 35-44.1-3-4).
- 15) Explosive Devices (IC 35-47.5-5-2 through 8).
- 16) Habitual Offender enhancement (IC 35-50-2-8).
- 17) Habitual Vehicular Substance offender (IC 9-30-15.5-2).
- 18) Incest (IC 35-46-1-3).
- 19) Intimidation as a felony (IC 35-45-2-1(b)(1), (2)).
- 20) Invasion of Privacy (IC 35-46-1-15.1).
- 21) Involuntary Manslaughter (IC 35-43-1-4).
- 22) Kidnapping (IC 35-42-3-2).
- 23) Murder (IC 35-42-1-1).
- 24) OWI causing death (IC 9-30-5-5).

- 25) OWI causing serious bodily injury (IC 9-30-5-4).
- 26) Possession of a Firearm by a Serious Violent Felon (IC 35-44.1-3-1).
- 27) Rape (IC 35-42-4-1).
- 28) Reckless Homicide (IC 35-42-1-5).
- 29) Residential Entry (IC 35-43-1-5).
- 30) Resisting Law Enforcement as a felony (IC 35-44.1-3-1).
- 31) Robbery (IC 35-42-5-1).
- 32) Sexual Battery (IC 35-42-4-8).
- 33) Sexual Misconduct with a Minor (IC 35-42-4-9(a) and (b)(2)).
- 34) Stalking (IC 35-45-10-5).
- 35) Strangulation (IC 35-42-2-9).
- 36) Unlawful possession of a firearm as a Level 5 felony (IC 35-47-2-1.5(c)).
- 37) Unlawful Use of Body Armor (IC 35-47-5-13).
- 38) Use of a firearm to deal drugs (IC 35-50-2-13; 35-48-4-1 through 4).
- 39) Voluntary manslaughter (IC 35-42-1-3).

- e. he/she has a red flag case or cases;
- f. he/she refuses to cooperate in the risk assessment and/or pretrial screening process;
- g. he/she scores in higher than category 3 on the pretrial risk assessment.
9. Any individual assessed as Category 1, Category 2, or Category 3, but not placed in Category 4 as above, shall be released on his/her own recognizance and shall be supervised through Pretrial Services under the appropriate level of supervision.
10. For the purpose of identifying the appropriate level of supervision from the matrix in Attachment 1, the following offense levels are established:
 - a. Offense Level A
 - b. Offense Level B
 - c. Offense Level C
 - d. Offense Level D
11. Offense Level "A" includes:
 - a. all nonviolent misdemeanor offenses and nonviolent Level 6 felony offenses except Operating a Vehicle While Intoxicated ("OWI") and Leaving the Scene of an Accident.
 - b. "Nonviolent" for this level means an offense in which:
 - i. no firearm or deadly weapon was used or involved in any way;
 - ii. no bodily injury occurred to any person; and
 - iii. no force was used or threatened against any person.
12. Offense Level "B" includes violent misdemeanors, violent Level 6 felonies offenses, Operating a Vehicle While Intoxicated (OWI), Leaving the Scene of an Accident, and any offenses in which there is an allegation that:
 - a. the individual possessed or carried a firearm or other deadly weapon;
 - b. bodily injury occurred;

- c. there was use of force or a threat of force, including by use of motor vehicle; or
- d. the individual resisted law enforcement;

and includes all OWI and Leaving the Scene of an Accident offenses, except as provided in paragraph 13 below.

13. Offense Level "C" includes Level 5 felonies not listed in paragraph 8(d) above, Possession of Cocaine or a Narcotic Drug, Possession of a Syringe, Possession of a Controlled Substance, Possession of Methamphetamine, and any OWI which is charged as a felony.
14. Offense Level "D" includes Murder, Attempted Murder, Dealing in Cocaine or a Narcotic Drug, Dealing in or Manufacturing Methamphetamine, Dealing in a Controlled Substance, all Level 1, 2, 3, and 4 felonies, Level 5 violent felonies, and any charges enhanced by a Habitual Offender or by a Habitual Vehicular Substance Offender allegation
15. Pretrial conditions of release under this pretrial release schedule shall include that the individual released:
 - a. shall appear in Court at all times required by the Court;
 - b. shall not leave Indiana without the prior written consent of the Court, and shall agree to waive extradition as a condition of release to Pretrial Services and/or the Court granting such consent;
 - c. shall not commit nor be arrested for another criminal offense;
 - d. for the purpose of receiving court notices and reminders of hearing dates, shall provide to Hamilton County Pretrial Services, the Court and the person's attorney, a valid e-mail address, if available;
 - e. for the purpose of receiving court notices and reminders of hearing dates, shall provide to Hamilton County Pretrial Services, the Court, and the person's attorney, a valid telephone number for a cellular telephone that can receive text messages, if available;
 - f. shall notify Hamilton County Pretrial Services, the person's attorney and the Court in writing of any change of address, telephone number or e-mail address within 24 hours of any such change;
16. Pretrial conditions of release under this pretrial release schedule may include that the individual released shall:
 - a. call in regularly to an electronic monitoring system;
 - b. respond promptly to email, telephone calls or text messages from Pretrial Services, or the court;
 - c. verify employment, residence and contact information;
 - d. meet in person as directed with a pretrial officer from Pretrial Services;
 - e. obey all rules and regulations of the Pretrial Services Program;
 - f. obey all other conditions imposed by the Court.

SO ORDERED this 18th day of August, 2024 July, 2025.

Original signed by the Honorable Bloch, Casati, Brown, Hughes, Campbell, Najjar, Gookins, and Murphy