

* The proposed amendment to Criminal Rule 4.2 would require the trial court to provide notice to the prosecuting attorney after receiving defendant's written notice of the defendant's location and request to initiate proceedings in the non-custodial county.

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Rule 4.2. Commencement of Rule 4 Time Periods for Those Incarcerated Outside of State or in Another County

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(B) If a defendant is charged in one Indiana county during the time the defendant is incarcerated in a different county, the Rule 4 time periods commence on the earlier of: (1) the date the court in the non-custodial county orders the defendant's appearance; or (2) the date the defendant provides written notice to the court where the charge is pending of the defendant's location and requests initiation of proceedings in the non-custodial county. The court must provide notice to the prosecuting attorney after receiving the defendant's written notice.

(C) If a defendant is charged in one Indiana county prior to the defendant being incarcerated in a different county, the Rule 4 time period tolls from the defendant's failure to appear in the non-custodial county until the earlier of: (1) the date the court in the noncustodial county orders the defendant's appearance; or (2) the date the defendant provides written notice to the court where the charge is pending of the defendant's location and requests initiation of proceedings in the non-custodial county. The court must provide notice to the prosecuting attorney after receiving the defendant's written notice.