

Provides that if: (1) the most serious crime with which an arrestee is charged is a misdemeanor which did not result in bodily injury to another person and which is not operating while intoxicated; (2) the arrestee does not have a felony conviction; and (3) certain other conditions apply; the court shall release the arrestee without money bail unless the court finds by a preponderance of the evidence that requiring money bail is reasonably necessary.

1 SECTION 1. IC 35-33-8-3.8, AS ADDED BY P.L.187-2017, SECTION 7, IS
2 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.8. (a) A court shall
3 consider the results of the Indiana pretrial risk assessment system (if available) before setting or
4 modifying bail for an arrestee.

5 (b) If the court finds, based on the results of the Indiana pretrial risk assessment system
6 (if available) and other relevant factors, that an arrestee does not present a substantial risk of
7 flight or danger to the arrestee or others, the court shall consider releasing the arrestee without
8 money bail or surety, subject to restrictions and conditions as determined by the court, unless one
9 (1) or more of the following apply:

10 (1) The arrestee is charged with murder or treason.

11 (2) The arrestee is on pretrial release not related to the incident that is the basis
12 for the present arrest.

13 (3) The arrestee is on probation, parole, or other community supervision.

14 ~~The court is not required to administer an assessment before releasing an arrestee if~~
15 ~~administering the assessment will delay the arrestee's release.~~

16 (c) If:

17 (1) the arrestee is a person whom the court shall consider releasing without
18 money bail under subsection (b);

19 (2) the most serious crime with which an arrestee is charged is a
20 misdemeanor which:

21 (A) did not result in bodily injury to another person; and

22 (B) is not an offense described in IC 9-30-5 (operating while
23 intoxicated);

24 (3) the arrestee does not have a prior felony conviction; and

25 (4) neither section 3.5 or section 4.5 of this chapter applies;

26 the court shall release the arrestee without money bail, unless the court finds by a
27 preponderance of the evidence that requiring money bail is reasonably necessary to ensure
28 the appearance of the arrestee at any stage of the proceedings, or to protect the arrestee or
29 another person from danger.

30 (d) The court is not required to administer an assessment before releasing an
31 arrestee if administering the assessment will delay the arrestee's release.