

SENATE BILL No. 349

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-37.

Synopsis: Juvenile detention matters. Allows an intake officer to impose conditions upon the release of a child who was not taken into custody under an order of the court. Includes weekends and holidays in the 48 hour calculation for detention hearings or probable cause determination hearings.

Effective: July 1, 2016.

Broden

January 7, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 349

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-37-5-5, AS AMENDED BY P.L.158-2013,
2 SECTION 328, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If the child was not taken into
4 custody under an order of the court, an intake officer shall investigate
5 the reasons for the child's detention. The intake officer shall release the
6 child to the child's parent, guardian, or custodian upon the person's
7 written promise to bring the child before the juvenile court at a time
8 specified, **and may impose additional conditions upon the child if**
9 **the intake officer believes the conditions are essential to protect the**
10 **child or community, including:**
11 (1) home detention;
12 (2) electronic monitoring;
13 (3) a curfew restriction;
14 (4) a directive to avoid contact with specified individuals until
15 the child's return to the juvenile court at a specified time;
16 (5) a directive to comply with Indiana law; or
17 (6) any other reasonable conditions on the child's actions or



- 1 **behavior.**
 2 **(b)** ~~However, the An~~ intake officer may place the child in detention
 3 if the intake officer reasonably believes that the child is a delinquent
 4 child and that:
 5 (1) the child is unlikely to appear before the juvenile court for
 6 subsequent proceedings;
 7 (2) the child has committed an act that would be murder or a
 8 Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony
 9 if committed by an adult;
 10 (3) detention is essential to protect the child or the community;
 11 (4) the parent, guardian, or custodian:
 12 (A) cannot be located; or
 13 (B) is unable or unwilling to take custody of the child; or
 14 (5) the child has a reasonable basis for requesting that the child
 15 not be released.
 16 ~~(b)~~ **(c)** If a child is detained for a reason specified in subsection
 17 ~~(a)(4)~~ **(b)(4)** or ~~(a)(5)~~; **(b)(5)**, the child shall be detained under
 18 IC 31-37-7-1.
 19 SECTION 2. IC 31-37-5-6 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. If a child taken into
 21 custody is ~~not released~~; **kept in detention or released with conditions**,
 22 a detention hearing must be held in accordance with IC 31-37-6-2.
 23 SECTION 3. IC 31-37-6-2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. If a child is ~~not~~
 25 **released**; **kept in detention or released with conditions**, a detention
 26 hearing **or a probable cause determination hearing** shall be held not
 27 later than forty-eight (48) hours ~~excluding Saturdays, Sundays, and~~
 28 ~~legal holidays~~; after the child is taken into custody **by law**
 29 **enforcement.**
 30 SECTION 4. IC 31-37-6-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. If a detention hearing
 32 **or a probable cause determination hearing** is not held before the
 33 time specified by section 2 of this chapter, the child shall be released.

