

SENATE BILL No. 90

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-37-5-5.

Synopsis: Juvenile release by intake officers. 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.

Effective: July 1, 2016.

Zakas

January 5, 2016, read first time and referred to Committee on Corrections & Criminal Law.



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. 90

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,**
9 **including:**
10 (1) **home detention;**
11 (2) **electronic monitoring;**
12 (3) **a curfew restriction;**
13 (4) **a directive to avoid contact with specified individuals until**
14 **the child's return to the juvenile court at a specified time;**
15 (5) **a directive to comply with Indiana law; or**
16 (6) **any other reasonable conditions on the child's actions or**
17 **behavior.**



1 **(b) However,** The intake officer may place the child in detention if
2 the intake officer reasonably believes that the child is a delinquent
3 child and that:

4 (1) the child is unlikely to appear before the juvenile court for
5 subsequent proceedings;

6 (2) the child has committed an act that would be murder or a
7 Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony
8 if committed by an adult;

9 (3) detention is essential to protect the child or the community;

10 (4) the parent, guardian, or custodian:

11 (A) cannot be located; or

12 (B) is unable or unwilling to take custody of the child; or

13 (5) the child has a reasonable basis for requesting that the child
14 not be released.

15 **(c)** If a child is detained for a reason specified in subsection
16 ~~(a)(4)~~ **(b)(4)** or ~~(a)(5)~~ **(b)(5)**, the child shall be detained under
17 IC 31-37-7-1.

