



January 29, 2025

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## SENATE BILL No. 324

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DIGEST OF SB 324 (Updated January 28, 2025 11:53 am - DI 106)

**Citations Affected:** IC 5-2; IC 11-12; IC 31-19; IC 35-33; IC 35-42; IC 35-47; IC 35-48; IC 35-50.

**Synopsis:** Criminal penalties. Increases the penalty levels of crimes related to fentanyl and methamphetamine. Increases the penalty levels of battery against a public safety official, battery resulting in moderate bodily injury, battery resulting in serious bodily injury, battery against a public safety official that results in bodily injury, battery against an endangered adult resulting in serious bodily injury, battery against a child that results in serious bodily injury, battery that results in death, and aggravated battery. Requires that a bail hearing for a violent arrestee be held in open court, within 48 hours, and sets minimum bail requirements for the release of a repeat violent arrestee. Makes conforming changes.

**Effective:** July 1, 2025.

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## Freeman

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January 13, 2025, read first time and referred to Committee on Corrections and Criminal Law.  
January 28, 2025, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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SB 324—LS 7261/DI 151





January 29, 2025

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

## SENATE BILL No. 324

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 5-2-22-1, AS AMENDED BY P.L.161-2018,  
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2025]: Sec. 1. The following definitions apply throughout this  
4 chapter:
- 5 (1) "Crime of child abuse" means:
    - 6 (A) neglect of a dependent (IC 35-46-1-4) if the dependent is
    - 7 a child and the offense is committed under:
      - 8 (i) IC 35-46-1-4(a)(1);
      - 9 (ii) IC 35-46-1-4(a)(2); or
      - 10 (iii) IC 35-46-1-4(a)(3);
    - 11 (B) child selling (IC 35-46-1-4(d));
    - 12 (C) a sex offense (as defined in IC 11-8-8-5.2) committed
    - 13 against a child; or
    - 14 (D) battery against a child under:
      - 15 (i) ~~IC 35-42-2-1(e)(3)~~ **IC 35-42-2-1(e)(1)** (battery on a
      - 16 child);
      - 17 (ii) ~~IC 35-42-2-1(g)(5)(B)~~ **IC 35-42-2-1(g)(6)(A)** (battery

SB 324—LS 7261/DI 151



- 1 causing bodily injury to a child);  
 2 (iii) ~~IC 35-42-2-1(j)~~ **IC 35-42-2-1(k)** (battery causing  
 3 serious bodily injury to a child); or  
 4 (iv) ~~IC 35-42-2-1(k)~~ **IC 35-42-2-1(l)** (battery resulting in the  
 5 death of a child).  
 6 (2) "Office" refers to the office of judicial administration created  
 7 under IC 33-24-6-1.  
 8 (3) "Registry" means the child abuse registry established under  
 9 section 2 of this chapter.  
 10 SECTION 2. IC 11-12-3.7-6, AS AMENDED BY P.L.78-2022,  
 11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2025]: Sec. 6. As used in this chapter, "violent offense" means  
 13 one (1) or more of the following offenses:  
 14 (1) Murder (IC 35-42-1-1).  
 15 (2) Attempted murder (IC 35-41-5-1).  
 16 (3) Voluntary manslaughter (IC 35-42-1-3).  
 17 (4) Involuntary manslaughter (IC 35-42-1-4).  
 18 (5) Reckless homicide (IC 35-42-1-5).  
 19 (6) Aggravated battery (IC 35-42-2-1.5).  
 20 (7) Battery (IC 35-42-2-1) as a:  
 21 (A) Class A felony, Class B felony, or Class C felony (for a  
 22 crime committed before July 1, 2014); or  
 23 (B) **Level 1 felony**, Level 2 felony, Level 3 felony, **Level 4**  
 24 **felony**, or Level 5 felony (for a crime committed after June 30,  
 25 2014).  
 26 (8) Kidnapping (IC 35-42-3-2).  
 27 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that  
 28 is a:  
 29 (A) Class A felony, Class B felony, or Class C felony (for a  
 30 crime committed before July 1, 2014); or  
 31 (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4  
 32 felony, or Level 5 felony (for a crime committed after June 30,  
 33 2014).  
 34 (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:  
 35 (A) Class A felony or Class B felony (for a crime committed  
 36 before July 1, 2014); or  
 37 (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a  
 38 crime committed after June 30, 2014).  
 39 (11) Incest (IC 35-46-1-3).  
 40 (12) Robbery (IC 35-42-5-1) as a:  
 41 (A) Class A felony or a Class B felony (for a crime committed  
 42 before July 1, 2014); or



- 1 (B) Level 2 felony or Level 3 felony (for a crime committed  
2 after June 30, 2014).
- 3 (13) Burglary (IC 35-43-2-1) as a:  
4 (A) Class A felony or a Class B felony (for a crime committed  
5 before July 1, 2014); or  
6 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4  
7 felony (for a crime committed after June 30, 2014).
- 8 (14) Carjacking (IC 35-42-5-2) (repealed).
- 9 (15) Assisting a criminal (IC 35-44.1-2-5) as a:  
10 (A) Class C felony (for a crime committed before July 1,  
11 2014); or  
12 (B) Level 5 felony (for a crime committed after June 30,  
13 2014).
- 14 (16) Escape (IC 35-44.1-3-4) as a:  
15 (A) Class B felony or Class C felony (for a crime committed  
16 before July 1, 2014); or  
17 (B) Level 4 felony or Level 5 felony (for a crime committed  
18 after June 30, 2014).
- 19 (17) Trafficking with an inmate (IC 35-44.1-3-5) as a:  
20 (A) Class C felony (for a crime committed before July 1,  
21 2014); or  
22 (B) Level 5 felony (for a crime committed after June 30,  
23 2014).
- 24 (18) Causing death or catastrophic injury when operating a  
25 vehicle (IC 9-30-5-5).
- 26 (19) Criminal confinement (IC 35-42-3-3) as a:  
27 (A) Class B felony (for a crime committed before July 1,  
28 2014); or  
29 (B) Level 3 felony (for a crime committed after June 30,  
30 2014).
- 31 (20) Arson (IC 35-43-1-1) as a:  
32 (A) Class A or Class B felony (for a crime committed before  
33 July 1, 2014); or  
34 (B) Level 2, Level 3, or Level 4 felony (for a crime committed  
35 after June 30, 2014).
- 36 (21) Possession, use, or manufacture of a weapon of mass  
37 destruction (IC 35-46.5-2-1) (or IC 35-47-12-1 before its repeal).
- 38 (22) Terroristic mischief (IC 35-46.5-2-3) (or IC 35-47-12-3  
39 before its repeal) as a:  
40 (A) Class B felony (for a crime committed before July 1,  
41 2014); or  
42 (B) Level 4 felony (for a crime committed after June 30,



- 1                   2014).
- 2                   (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- 3                   (24) A violation of IC 35-47.5 (controlled explosives) as a:
- 4                   (A) Class A or Class B felony (for a crime committed before
- 5                   July 1, 2014); or
- 6                   (B) Level 2 or Level 4 felony (for a crime committed after
- 7                   June 30, 2014).
- 8                   (25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level
- 9                   3 felony, or Level 5 felony.
- 10                  (26) Sexual misconduct with a service provider (35-44.1-3-10) as
- 11                  a Level 4 felony.
- 12                  (27) Any other crimes evidencing a propensity or history of
- 13                  violence.
- 14                  SECTION 3. IC 31-19-9-10, AS AMENDED BY P.L.142-2020,
- 15                  SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16                  JULY 1, 2025]: Sec. 10. A court shall determine that consent to
- 17                  adoption is not required from a parent if:
- 18                  (1) the parent is convicted of and incarcerated at the time of the
- 19                  filing of a petition for adoption for:
- 20                  (A) murder (IC 35-42-1-1);
- 21                  (B) causing suicide (IC 35-42-1-2);
- 22                  (C) voluntary manslaughter (IC 35-42-1-3);
- 23                  (D) rape (IC 35-42-4-1);
- 24                  (E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- 25                  (F) child molesting (IC 35-42-4-3) as a:
- 26                  (i) Class A or Class B felony, for a crime committed before
- 27                  July 1, 2014; or
- 28                  (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime
- 29                  committed after June 30, 2014;
- 30                  (G) incest (IC 35-46-1-3) as a:
- 31                  (i) Class B felony, for a crime committed before July 1,
- 32                  2014; or
- 33                  (ii) Level 4 felony, for a crime committed after June 30,
- 34                  2014;
- 35                  (H) neglect of a dependent (IC 35-46-1-4) as a:
- 36                  (i) Class B felony, for a crime committed before July 1,
- 37                  2014; or
- 38                  (ii) Level 1 or Level 3 felony, for a crime committed after
- 39                  June 30, 2014;
- 40                  (I) battery (IC 35-42-2-1) of a child as a:
- 41                  (i) Class C felony, for a crime committed before July 1,
- 42                  2014; or



- 1 (ii) Level 5 felony, for a crime committed after June 30,  
 2 2014;
- 3 (J) battery (IC 35-42-2-1) as a:
- 4 (i) Class A or Class B felony, for a crime committed before  
 5 July 1, 2014; or
- 6 (ii) **Level 1**, Level 2, Level 3, or Level 4 felony, for a crime  
 7 committed after June 30, 2014;
- 8 (K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4,  
 9 Level 3, or Level 2 felony; or
- 10 (L) aggravated battery (IC 35-42-2-1.5) as a ~~Level 3~~ **Level 2**  
 11 or Level 1 felony;
- 12 (2) the child or the child's sibling, half-blood sibling, or  
 13 step-sibling of the parent's current marriage is the victim of the  
 14 offense; and
- 15 (3) after notice to the parent and a hearing, the court determines  
 16 that dispensing with the parent's consent to adoption is in the  
 17 child's best interests.
- 18 SECTION 4. IC 35-33-8-3.4 IS ADDED TO THE INDIANA CODE  
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 20 1, 2025]: **Sec. 3.4. (a) This section applies only to a violent arrestee.**
- 21 **(b) The following definitions apply throughout this section:**
- 22 **(1) "Crime of violence" means an offense:**
- 23 **(A) described in IC 35-50-1-2(a); and**
- 24 **(B) that is a Level 1, Level 2, Level 3, Level 4, or Level 5**  
 25 **felony.**
- 26 **(2) "Default bail schedule" means the following minimum bail**  
 27 **amounts, based on the most serious charged crime:**
- 28 **(A) For murder, no bail.**
- 29 **(B) For a Class A felony, Level 1 felony, or Level 2 felony,**  
 30 **fifty thousand dollars (\$50,000).**
- 31 **(C) For a Class B felony, Level 3 felony, or Level 4 felony,**  
 32 **twenty thousand dollars (\$20,000).**
- 33 **(D) For a Class C felony or Level 5 felony that is a crime of**  
 34 **domestic violence, twenty-five thousand dollars (\$25,000).**
- 35 **(E) For a Class C felony or Level 5 felony that is not a**  
 36 **crime of domestic violence, seven thousand five hundred**  
 37 **dollars (\$7,500).**
- 38 **(F) For a Class D felony or Level 6 felony, five hundred**  
 39 **dollars (\$500).**
- 40 **(3) "Minimum bail amount" means:**
- 41 **(A) if:**
- 42 **(i) the court has adopted a bail schedule, the bail amount**



1 prescribed for a particular offense in the court's bail  
2 schedule; or

3 (ii) the court has not adopted a bail schedule, the default  
4 bail schedule; or

5 (B) if the violent arrestee has a prior conviction for a crime  
6 of violence, twice the bail amount prescribed for a  
7 particular offense in the court's bail schedule or default  
8 bail schedule (whichever applies) for a violent arrestee  
9 without a prior conviction for a crime of violence;

10 as applicable.

11 (4) "Repeat violent arrestee" means a person arrested for or  
12 charged with a crime of violence who has a prior conviction  
13 for a crime of violence.

14 (5) "Violent arrestee" means a person arrested for or charged  
15 with a crime of violence.

16 (c) A violent arrestee may not be released pursuant to a bail  
17 schedule, and may only be released on bail set individually by the  
18 court following a hearing held in open court. Except as provided in  
19 section 6 of this chapter, the court shall conduct a bail hearing not  
20 later than forty-eight (48) hours after the person has been arrested,  
21 unless exigent circumstances prevent holding the hearing within  
22 forty-eight (48) hours. Before releasing a violent arrestee on bail,  
23 the court must review the probable cause affidavit or arrest  
24 warrant.

25 (d) A repeat violent arrestee may not be released pursuant to a  
26 bail schedule, and may only be released on bail set individually by  
27 the court following a hearing held in open court. Except as  
28 provided in section 6 of this chapter, the court shall conduct a bail  
29 hearing not later than forty-eight (48) hours after the person has  
30 been arrested, unless exigent circumstances prevent holding the  
31 hearing within forty-eight (48) hours. Before releasing a repeat  
32 violent arrestee on bail, the court must review the probable cause  
33 affidavit or arrest warrant. If a court releases a repeat violent  
34 arrestee on bail, the court must impose bail in an amount that  
35 equals or exceeds the minimum bail amount for the repeat violent  
36 arrestee's most serious offense.

37 (e) A third party may not pay money bail imposed under this  
38 section on behalf of a repeat violent arrestee (even for the portion  
39 that exceeds the minimum bail amount) unless the third party is a  
40 close relative (as defined in IC 33-23-11-2) of the repeat violent  
41 arrestee.

42 SECTION 5. IC 35-42-2-1, AS AMENDED BY P.L.148-2024,





1 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2025]: Sec. 1. (a) As used in this section, "public safety  
3 official" means:

- 4 (1) a law enforcement officer, including an alcoholic beverage  
5 enforcement officer;  
6 (2) an employee of a penal facility or a juvenile detention facility  
7 (as defined in IC 31-9-2-71);  
8 (3) an employee of the department of correction;  
9 (4) a probation officer;  
10 (5) a parole officer;  
11 (6) a community corrections worker;  
12 (7) a home detention officer;  
13 (8) a department of child services employee;  
14 (9) a firefighter;  
15 (10) an emergency medical services provider;  
16 (11) a judicial officer;  
17 (12) a bailiff of any court; or  
18 (13) a special deputy (as described in IC 36-8-10-10.6).

19 (b) As used in this section, "relative" means an individual related by  
20 blood, half-blood, adoption, marriage, or remarriage, including:

- 21 (1) a spouse;  
22 (2) a parent or stepparent;  
23 (3) a child or stepchild;  
24 (4) a grandchild or stepgrandchild;  
25 (5) a grandparent or stepgrandparent;  
26 (6) a brother, sister, stepbrother, or stepsister;  
27 (7) a niece or nephew;  
28 (8) an aunt or uncle;  
29 (9) a daughter-in-law or son-in-law;  
30 (10) a mother-in-law or father-in-law; or  
31 (11) a first cousin.

32 (c) Except as provided in subsections (d) through (k), a person who  
33 knowingly or intentionally:

- 34 (1) touches another person in a rude, insolent, or angry manner;  
35 or  
36 (2) in a rude, insolent, or angry manner places any bodily fluid or  
37 waste on another person;

38 commits battery, a Class B misdemeanor.

39 (d) The offense described in subsection (c)(1) or (c)(2) is a Class A  
40 misdemeanor if it:

- 41 (1) results in bodily injury to any other person; or  
42 (2) is committed against a member of a foster family home (as



1 defined in IC 35-31.5-2-139.3) by a person who is not a resident  
 2 of the foster family home if the person who committed the offense  
 3 is a relative of a person who lived in the foster family home at the  
 4 time of the offense.

5 (e) The offense described in subsection (c)(1) or (c)(2) is a Level 6  
 6 felony if one (1) or more of the following apply:

7 ~~(1) The offense results in moderate bodily injury to any other~~  
 8 ~~person.~~

9 ~~(2) The offense is committed against a public safety official while~~  
 10 ~~the official is engaged in the official's official duty; unless the~~  
 11 ~~offense is committed by a person detained or committed under~~  
 12 ~~IC 12-26.~~

13 ~~(3) (1) The offense is committed against a person less than~~  
 14 ~~fourteen (14) years of age and is committed by a person at least~~  
 15 ~~eighteen (18) years of age.~~

16 ~~(4) (2) The offense is committed against a person of any age who~~  
 17 ~~has a mental or physical disability and is committed by a person~~  
 18 ~~having the care of the person with the mental or physical~~  
 19 ~~disability, whether the care is assumed voluntarily or because of~~  
 20 ~~a legal obligation.~~

21 ~~(5) (3) The offense is committed against an endangered adult (as~~  
 22 ~~defined in IC 12-10-3-2).~~

23 ~~(6) (4) The offense:~~

24 (A) is committed against a member of a foster family home (as  
 25 defined in IC 35-31.5-2-139.3) by a person who is not a  
 26 resident of the foster family home if the person who committed  
 27 the offense is a relative of a person who lived in the foster  
 28 family home at the time of the offense; and

29 (B) results in bodily injury to the member of the foster family.

30 (f) The offense described in subsection (c)(2) is a Level 6 felony if  
 31 the person knew or recklessly failed to know that the bodily fluid or  
 32 waste placed on another person was infected with hepatitis,  
 33 tuberculosis, or human immunodeficiency virus.

34 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5  
 35 felony if one (1) or more of the following apply:

36 ~~(1) The offense results in serious bodily injury to another person.~~

37 **(1) The offense results in moderate bodily injury to any other**  
 38 **person.**

39 (2) The offense is committed with a deadly weapon.

40 (3) The offense results in bodily injury to a pregnant woman if the  
 41 person knew of the pregnancy.

42 (4) The person has a previous conviction for a battery or



1 strangulation offense included in this chapter against the same  
2 victim.

3 **(5) The offense is committed against a public safety official**  
4 **while the official is engaged in the official's official duty,**  
5 **unless the offense is committed by a person detained or**  
6 **committed under IC 12-26.**

7 ~~(5)~~ **(6)** The offense results in bodily injury to one (1) or more of  
8 the following:

9 ~~(A)~~ **(A)** A public safety official while the official is engaged in the  
10 official's official duties, unless the offense is committed by a  
11 person detained or committed under IC 12-26.

12 ~~(B)~~ **(A)** A person less than fourteen (14) years of age if the  
13 offense is committed by a person at least eighteen (18) years  
14 of age.

15 ~~(C)~~ **(B)** A person who has a mental or physical disability if the  
16 offense is committed by an individual having care of the  
17 person with the disability, regardless of whether the care is  
18 assumed voluntarily or because of a legal obligation.

19 ~~(D)~~ **(C)** An endangered adult (as defined in IC 12-10-3-2).

20 (h) The offense described in subsection (c)(2) is a Level 5 felony if:

21 (1) the person knew or recklessly failed to know that the bodily  
22 fluid or waste placed on another person was infected with  
23 hepatitis, tuberculosis, or human immunodeficiency virus; and

24 (2) the person placed the bodily fluid or waste on a public safety  
25 official, unless the offense is committed by a person detained or  
26 committed under IC 12-26.

27 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4  
28 felony if **one (1) or more of the following apply:**

29 **(1) The offense results in serious bodily injury to another**  
30 **person. it results in serious bodily injury to an endangered adult**  
31 **(as defined in IC 12-10-3-2).**

32 **(2) The offense results in bodily injury to a public safety**  
33 **official while the official is engaged in the official's official**  
34 **duties, unless the offense is committed by a person detained or**  
35 **committed under IC 12-26.**

36 (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3  
37 felony if it results in **serious bodily injury to a person less than fourteen**  
38 **(14) years of age if the offense is committed by a person at least**  
39 **eighteen (18) years of age. serious bodily injury to an endangered**  
40 **adult (as defined in IC 12-10-3-2).**

41 **(k) The offense described in subsection (c)(1) or (c)(2) is a Level**  
42 **2 felony if it results in serious bodily injury to a person less than**



1 **fourteen (14) years of age if the offense is committed by a person**  
 2 **at least eighteen (18) years of age.**  
 3 ~~(\*)~~ **(1)** The offense described in subsection (c)(1) or (c)(2) is a ~~Level~~  
 4 **2 Level 1** felony if it results in the death of one (1) or more of the  
 5 following:  
 6 (1) A person less than fourteen (14) years of age if the offense is  
 7 committed by a person at least eighteen (18) years of age.  
 8 (2) An endangered adult (as defined in IC 12-10-3-2).  
 9 SECTION 6. IC 35-42-2-1.5, AS AMENDED BY P.L.158-2013,  
 10 SECTION 422, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2025]: Sec. 1.5. A person who knowingly or  
 12 intentionally inflicts injury on a person that creates a substantial risk of  
 13 death or causes:  
 14 (1) serious permanent disfigurement;  
 15 (2) protracted loss or impairment of the function of a bodily  
 16 member or organ; or  
 17 (3) the loss of a fetus;  
 18 commits aggravated battery, a ~~Level 3~~ **Level 2** felony. However, the  
 19 offense is a Level 1 felony if it results in the death of a child less than  
 20 fourteen (14) years of age and is committed by a person at least  
 21 eighteen (18) years of age.  
 22 SECTION 7. IC 35-47-4-5, AS AMENDED BY THE TECHNICAL  
 23 CORRECTIONS BILL OF THE 2025 GENERAL ASSEMBLY, IS  
 24 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:  
 25 Sec. 5. (a) As used in this section, "serious violent felon" means a  
 26 person who has been convicted of committing a serious violent felony.  
 27 (b) As used in this section, "serious violent felony" means:  
 28 (1) murder (IC 35-42-1-1);  
 29 (2) attempted murder (IC 35-41-5-1);  
 30 (3) voluntary manslaughter (IC 35-42-1-3);  
 31 (4) reckless homicide not committed by means of a vehicle  
 32 (IC 35-42-1-5);  
 33 (5) battery (IC 35-42-2-1) as a:  
 34 (A) Class A felony, Class B felony, or Class C felony, for a  
 35 crime committed before July 1, 2014; or  
 36 (B) **Level 1 felony**, Level 2 felony, Level 3 felony, Level 4  
 37 felony, or Level 5 felony, for a crime committed after June 30,  
 38 2014;  
 39 (6) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level  
 40 3 felony, Level 4 felony, or Level 5 felony;  
 41 (7) aggravated battery (IC 35-42-2-1.5);  
 42 (8) strangulation (IC 35-42-2-9);



- 1 (9) kidnapping (IC 35-42-3-2);  
 2 (10) criminal confinement (IC 35-42-3-3);  
 3 (11) a human or sexual trafficking offense under IC 35-42-3.5;  
 4 (12) rape (IC 35-42-4-1);  
 5 (13) criminal deviate conduct (IC 35-42-4-2) (before its repeal);  
 6 (14) child molesting (IC 35-42-4-3);  
 7 (15) sexual battery (IC 35-42-4-8) as a:  
 8 (A) Class C felony, for a crime committed before July 1, 2014;  
 9 or  
 10 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 11 (16) robbery (IC 35-42-5-1);  
 12 (17) carjacking (~~IC 35-42-5-2~~) **(IC 35-42-5-2)** (before its repeal);  
 13 (18) arson (IC 35-43-1-1(a)) as a:  
 14 (A) Class A felony or Class B felony, for a crime committed  
 15 before July 1, 2014; or  
 16 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a  
 17 crime committed after June 30, 2014;  
 18 (19) burglary (IC 35-43-2-1) as a:  
 19 (A) Class A felony or Class B felony, for a crime committed  
 20 before July 1, 2014; or  
 21 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4  
 22 felony, for a crime committed after June 30, 2014;  
 23 (20) assisting a criminal (IC 35-44.1-2-5) as a:  
 24 (A) Class C felony, for a crime committed before July 1, 2014;  
 25 or  
 26 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 27 (21) resisting law enforcement (IC 35-44.1-3-1) as a:  
 28 (A) Class B felony or Class C felony, for a crime committed  
 29 before July 1, 2014; or  
 30 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a  
 31 crime committed after June 30, 2014;  
 32 (22) escape (IC 35-44.1-3-4) as a:  
 33 (A) Class B felony or Class C felony, for a crime committed  
 34 before July 1, 2014; or  
 35 (B) Level 4 felony or Level 5 felony, for a crime committed  
 36 after June 30, 2014;  
 37 (23) trafficking with an inmate (IC 35-44.1-3-5) as a:  
 38 (A) Class C felony, for a crime committed before July 1, 2014;  
 39 or  
 40 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 41 (24) criminal organization intimidation (IC 35-45-9-4);  
 42 (25) stalking (IC 35-45-10-5) as a:



- 1 (A) Class B felony or Class C felony, for a crime committed
- 2 before July 1, 2014; or
- 3 (B) Level 4 felony or Level 5 felony, for a crime committed
- 4 after June 30, 2014;
- 5 (26) incest (IC 35-46-1-3);
- 6 (27) dealing in or manufacturing cocaine or a narcotic drug
- 7 (IC 35-48-4-1);
- 8 (28) dealing in methamphetamine (IC 35-48-4-1.1) or
- 9 manufacturing methamphetamine (IC 35-48-4-1.2);
- 10 (29) dealing in a schedule I, II, or III controlled substance
- 11 (IC 35-48-4-2);
- 12 (30) dealing in a schedule IV controlled substance (IC 35-48-4-3);
- 13 (31) dealing in a schedule V controlled substance (IC 35-48-4-4);
- 14 or
- 15 (32) dealing in a controlled substance resulting in death
- 16 (IC 35-42-1-1.5).

17 (c) A serious violent felon who knowingly or intentionally possesses  
 18 a firearm commits unlawful possession of a firearm by a serious violent  
 19 felon, a Level 4 felony.

20 SECTION 8. IC 35-48-4-1, AS AMENDED BY P.L.48-2023,  
 21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2025]: Sec. 1. (a) A person who:

- 23 (1) knowingly or intentionally:
- 24 (A) manufactures;
- 25 (B) finances the manufacture of;
- 26 (C) delivers; or
- 27 (D) finances the delivery of;
- 28 cocaine or a narcotic drug, pure or adulterated, classified in
- 29 schedule I or II; or
- 30 (2) possesses, with intent to:
- 31 (A) manufacture;
- 32 (B) finance the manufacture of;
- 33 (C) deliver; or
- 34 (D) finance the delivery of;
- 35 cocaine or a narcotic drug, pure or adulterated, classified in
- 36 schedule I or II;
- 37 commits dealing in cocaine or a narcotic drug, a Level 5 felony, except
- 38 as provided in subsections (b) through (e).

39 (b) A person may be convicted of an offense under subsection (a)(2)  
 40 only if:

- 41 (1) there is evidence in addition to the weight of the drug that the
- 42 person intended to manufacture, finance the manufacture of,



- 1 deliver, or finance the delivery of the drug; or  
 2 (2) the amount of the drug involved is at least twenty-eight (28)  
 3 grams.  
 4 (c) The offense is a Level 4 felony if:  
 5 (1) the amount of the drug involved is at least one (1) gram but  
 6 less than five (5) grams;  
 7 (2) the amount of the drug involved is less than one (1) gram and  
 8 an enhancing circumstance applies; **or**  
 9 (3) the drug is heroin and the amount of heroin involved,  
 10 aggregated over a period of not more than ninety (90) days, is at  
 11 least three (3) grams but less than seven (7) grams. **or**  
 12 ~~(4) the drug is a fentanyl containing substance and the amount of~~  
 13 ~~fentanyl containing substance involved, aggregated over a period~~  
 14 ~~of not more than ninety (90) days; is at least one (1) gram but less~~  
 15 ~~than three (3) grams.~~  
 16 (d) The offense is a Level 3 felony if:  
 17 (1) the amount of the drug involved is at least five (5) grams but  
 18 less than ten (10) grams;  
 19 (2) the amount of the drug involved is at least one (1) gram but  
 20 less than five (5) grams and an enhancing circumstance applies;  
 21 (3) the drug is heroin and the amount of heroin involved,  
 22 aggregated over a period of not more than ninety (90) days, is at  
 23 least seven (7) grams but less than twelve (12) grams;  
 24 (4) the drug is heroin and:  
 25 (A) the amount of heroin involved, aggregated over a period  
 26 of not more than ninety (90) days, is at least three (3) grams  
 27 but less than seven (7) grams; and  
 28 (B) an enhancing circumstance applies; **or**  
 29 ~~(5) the drug is a fentanyl containing substance and the amount of~~  
 30 ~~fentanyl containing substance involved, aggregated over a period~~  
 31 ~~of not more than ninety (90) days; is at least three (3) grams but~~  
 32 ~~less than seven (7) grams; or~~  
 33 ~~(6) the drug is a fentanyl containing substance and:~~  
 34 ~~(A) the amount of fentanyl containing substance involved;~~  
 35 ~~aggregated over a period of not more than ninety (90) days; is~~  
 36 ~~at least one (1) gram but less than three (3) grams; and~~  
 37 ~~(B) an enhancing circumstance applies.~~  
 38 **(5) the drug is a fentanyl containing substance and the amount**  
 39 **of fentanyl containing substance involved, aggregated over a**  
 40 **period of not more than ninety (90) days, is at least one (1)**  
 41 **gram but less than three (3) grams.**  
 42 (e) The offense is a Level 2 felony if:



- 1 (1) the amount of the drug involved is at least ten (10) grams;  
 2 (2) the amount of the drug involved is at least five (5) grams but  
 3 less than ten (10) grams and an enhancing circumstance applies;  
 4 (3) the drug is heroin and the amount of heroin involved,  
 5 aggregated over a period of not more than ninety (90) days, is at  
 6 least twelve (12) grams;  
 7 (4) the drug is heroin and:  
 8 (A) the amount of heroin involved, aggregated over a period  
 9 of not more than ninety (90) days, is at least seven (7) grams  
 10 but less than twelve (12) grams; and  
 11 (B) an enhancing circumstance applies;  
 12 ~~(5) the drug is a fentanyl containing substance and the amount of~~  
 13 ~~fentanyl containing substance involved, aggregated over a period~~  
 14 ~~of not more than ninety (90) days, is at least seven (7) grams; or~~  
 15 ~~(6) the drug is a fentanyl containing substance and:~~  
 16 ~~(A) the amount of fentanyl containing substance involved,~~  
 17 ~~aggregated over a period of not more than ninety (90) days, is~~  
 18 ~~at least three (3) grams but less than seven (7) grams; and~~  
 19 ~~(B) an enhancing circumstance applies.~~  
 20 **(5) the drug is a fentanyl containing substance and the amount**  
 21 **of fentanyl containing substance involved, aggregated over a**  
 22 **period of not more than ninety (90) days, is at least three (3)**  
 23 **grams but less than seven (7) grams; or**  
 24 **(6) the drug is a fentanyl containing substance and:**  
 25 **(A) the amount of fentanyl containing substance involved,**  
 26 **aggregated over a period of not more than ninety (90)**  
 27 **days, is at least one (1) gram but less than three (3) grams;**  
 28 **and**  
 29 **(B) an enhancing circumstance applies.**  
 30 **(f) The offense is a Level 1 felony if:**  
 31 **(1) the drug is a fentanyl containing substance and the amount**  
 32 **of fentanyl containing substance involved, aggregated over a**  
 33 **period of not more than ninety (90) days, is at least seven (7)**  
 34 **grams; or**  
 35 **(2) the drug is a fentanyl containing substance and:**  
 36 **(A) the amount of fentanyl containing substance involved,**  
 37 **aggregated over a period of not more than ninety (90)**  
 38 **days, is at least three (3) grams but less than seven (7)**  
 39 **grams; and**  
 40 **(B) an enhancing circumstance applies.**

41 SECTION 9. IC 35-48-4-1.1, AS AMENDED BY P.L.252-2017,  
 42 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE





1 JULY 1, 2025]: Sec. 1.1. (a) A person who:  
 2 (1) knowingly or intentionally:  
 3 (A) delivers; or  
 4 (B) finances the delivery of;  
 5 methamphetamine, pure or adulterated; or  
 6 (2) possesses, with intent to:  
 7 (A) deliver; or  
 8 (B) finance the delivery of;  
 9 methamphetamine, pure or adulterated;  
 10 commits dealing in methamphetamine, a ~~Level 5~~ **Level 4** felony, except  
 11 as provided in subsections (b) through (e).  
 12 (b) A person may be convicted of an offense under subsection (a)(2)  
 13 only if:  
 14 (1) there is evidence in addition to the weight of the drug that the  
 15 person intended to deliver or finance the delivery of the drug; or  
 16 (2) the amount of the drug involved is at least twenty-eight (28)  
 17 grams.  
 18 (c) The offense is a ~~Level 4~~ **Level 3** felony if:  
 19 (1) the amount of the drug involved is at least one (1) gram but  
 20 less than five (5) grams; or  
 21 (2) the amount of the drug involved is less than one (1) gram and  
 22 an enhancing circumstance applies.  
 23 (d) The offense is a ~~Level 3~~ **Level 2** felony if:  
 24 (1) the amount of the drug involved is at least five (5) grams but  
 25 less than ten (10) grams; or  
 26 (2) the amount of the drug involved is at least one (1) gram but  
 27 less than five (5) grams and an enhancing circumstance applies.  
 28 (e) The offense is a ~~Level 2~~ **Level 1** felony if:  
 29 (1) the amount of the drug involved is at least ten (10) grams; or  
 30 (2) the amount of the drug involved is at least five (5) grams but  
 31 less than ten (10) grams and an enhancing circumstance applies.  
 32 SECTION 10. IC 35-48-4-1.2, AS ADDED BY P.L.252-2017,  
 33 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2025]: Sec. 1.2. (a) A person who knowingly or intentionally  
 35 manufactures or finances the manufacture of methamphetamine, pure  
 36 or adulterated, commits manufacturing methamphetamine, a ~~Level 4~~  
 37 **Level 3** felony, except as provided in subsections (b) and (c).  
 38 (b) The offense is a ~~Level 3~~ **Level 2** felony if:  
 39 (1) the amount of the drug involved is at least five (5) grams but  
 40 less than ten (10) grams; or  
 41 (2) the amount of the drug involved is at least one (1) gram but  
 42 less than five (5) grams and an enhancing circumstance applies.



- 1 (c) The offense is a ~~Level 2~~ **Level 1** felony if:
- 2 (1) the amount of the drug involved is at least ten (10) grams;
- 3 (2) the amount of the drug involved is at least five (5) grams but
- 4 less than ten (10) grams and an enhancing circumstance applies;
- 5 (3) the manufacture of the drug results in serious bodily injury to
- 6 a person other than the manufacturer; or
- 7 (4) the manufacture of the drug results in the death of a person
- 8 other than the manufacturer.
- 9 SECTION 11. IC 35-50-1-2, AS AMENDED BY P.L.142-2020,
- 10 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2025]: Sec. 2. (a) As used in this section, "crime of violence"
- 12 means the following:
- 13 (1) Murder (IC 35-42-1-1).
- 14 (2) Attempted murder (IC 35-41-5-1).
- 15 (3) Voluntary manslaughter (IC 35-42-1-3).
- 16 (4) Involuntary manslaughter (IC 35-42-1-4).
- 17 (5) Reckless homicide (IC 35-42-1-5).
- 18 (6) Battery (IC 35-42-2-1) as a:
- 19 **(A) Level 1 felony;**
- 20 ~~(A)~~ **(B) Level 2 felony;**
- 21 ~~(B)~~ **(C) Level 3 felony;**
- 22 ~~(C)~~ **(D) Level 4 felony; or**
- 23 ~~(D)~~ **(E) Level 5 felony.**
- 24 (7) Domestic battery (IC 35-42-2-1.3) as a:
- 25 (A) Level 2 felony;
- 26 (B) Level 3 felony;
- 27 (C) Level 4 felony; or
- 28 (D) Level 5 felony.
- 29 (8) Aggravated battery (IC 35-42-2-1.5).
- 30 (9) Kidnapping (IC 35-42-3-2).
- 31 (10) Rape (IC 35-42-4-1).
- 32 (11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 33 (12) Child molesting (IC 35-42-4-3).
- 34 (13) Sexual misconduct with a minor as a Level 1 felony under
- 35 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
- 36 (14) Robbery as a Level 2 felony or a Level 3 felony
- 37 (IC 35-42-5-1).
- 38 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,
- 39 or Level 4 felony (IC 35-43-2-1).
- 40 (16) Operating a vehicle while intoxicated causing death or
- 41 catastrophic injury (IC 9-30-5-5).
- 42 (17) Operating a vehicle while intoxicated causing serious bodily



- 1 injury to another person (IC 9-30-5-4).
- 2 (18) Child exploitation as a Level 5 felony under IC 35-42-4-4(b)
- 3 or a Level 4 felony under IC 35-42-4-4(c).
- 4 (19) Resisting law enforcement as a felony (IC 35-44.1-3-1).
- 5 (20) Unlawful possession of a firearm by a serious violent felon
- 6 (IC 35-47-4-5).
- 7 (21) Strangulation (IC 35-42-2-9) as a Level 5 felony.
- 8 (b) As used in this section, "episode of criminal conduct" means
- 9 offenses or a connected series of offenses that are closely related in
- 10 time, place, and circumstance.
- 11 (c) Except as provided in subsection (e) or (f) the court shall
- 12 determine whether terms of imprisonment shall be served concurrently
- 13 or consecutively. The court may consider the:
- 14 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
- 15 (2) mitigating circumstances in IC 35-38-1-7.1(b);
- 16 in making a determination under this subsection. The court may order
- 17 terms of imprisonment to be served consecutively even if the sentences
- 18 are not imposed at the same time. However, except for crimes of
- 19 violence, the total of the consecutive terms of imprisonment, exclusive
- 20 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
- 21 (before its repeal) to which the defendant is sentenced for felony
- 22 convictions arising out of an episode of criminal conduct shall not
- 23 exceed the period described in subsection (d).
- 24 (d) Except as provided in subsection (c), the total of the consecutive
- 25 terms of imprisonment to which the defendant is sentenced for felony
- 26 convictions arising out of an episode of criminal conduct may not
- 27 exceed the following:
- 28 (1) If the most serious crime for which the defendant is sentenced
- 29 is a Level 6 felony, the total of the consecutive terms of
- 30 imprisonment may not exceed four (4) years.
- 31 (2) If the most serious crime for which the defendant is sentenced
- 32 is a Level 5 felony, the total of the consecutive terms of
- 33 imprisonment may not exceed seven (7) years.
- 34 (3) If the most serious crime for which the defendant is sentenced
- 35 is a Level 4 felony, the total of the consecutive terms of
- 36 imprisonment may not exceed fifteen (15) years.
- 37 (4) If the most serious crime for which the defendant is sentenced
- 38 is a Level 3 felony, the total of the consecutive terms of
- 39 imprisonment may not exceed twenty (20) years.
- 40 (5) If the most serious crime for which the defendant is sentenced
- 41 is a Level 2 felony, the total of the consecutive terms of
- 42 imprisonment may not exceed thirty-two (32) years.



1           (6) If the most serious crime for which the defendant is sentenced  
2           is a Level 1 felony, the total of the consecutive terms of  
3           imprisonment may not exceed forty-two (42) years.  
4           (e) If, after being arrested for one (1) crime, a person commits  
5           another crime:  
6           (1) before the date the person is discharged from probation,  
7           parole, or a term of imprisonment imposed for the first crime; or  
8           (2) while the person is released:  
9           (A) upon the person's own recognizance; or  
10           (B) on bond;  
11           the terms of imprisonment for the crimes shall be served consecutively,  
12           regardless of the order in which the crimes are tried and sentences are  
13           imposed.  
14           (f) If the factfinder determines under IC 35-50-2-11 that a person  
15           used a firearm in the commission of the offense for which the person  
16           was convicted, the term of imprisonment for the underlying offense and  
17           the additional term of imprisonment imposed under IC 35-50-2-11  
18           must be served consecutively.



## COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 5, delete lines 18 through 26, begin a new paragraph and insert:

"SECTION 4. IC 35-33-8-3.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 3.4. (a) This section applies only to a violent arrestee.**

**(b) The following definitions apply throughout this section:**

**(1) "Crime of violence" means an offense:**

**(A) described in IC 35-50-1-2(a); and**

**(B) that is a Level 1, Level 2, Level 3, Level 4, or Level 5 felony.**

**(2) "Default bail schedule" means the following minimum bail amounts, based on the most serious charged crime:**

**(A) For murder, no bail.**

**(B) For a Class A felony, Level 1 felony, or Level 2 felony, fifty thousand dollars (\$50,000).**

**(C) For a Class B felony, Level 3 felony, or Level 4 felony, twenty thousand dollars (\$20,000).**

**(D) For a Class C felony or Level 5 felony that is a crime of domestic violence, twenty-five thousand dollars (\$25,000).**

**(E) For a Class C felony or Level 5 felony that is not a crime of domestic violence, seven thousand five hundred dollars (\$7,500).**

**(F) For a Class D felony or Level 6 felony, five hundred dollars (\$500).**

**(3) "Minimum bail amount" means:**

**(A) if:**

**(i) the court has adopted a bail schedule, the bail amount prescribed for a particular offense in the court's bail schedule; or**

**(ii) the court has not adopted a bail schedule, the default bail schedule; or**

**(B) if the violent arrestee has a prior conviction for a crime of violence, twice the bail amount prescribed for a particular offense in the court's bail schedule or default bail schedule (whichever applies) for a violent arrestee**



without a prior conviction for a crime of violence;  
as applicable.

(4) "Repeat violent arrestee" means a person arrested for or charged with a crime of violence who has a prior conviction for a crime of violence.

(5) "Violent arrestee" means a person arrested for or charged with a crime of violence.

(c) A violent arrestee may not be released pursuant to a bail schedule, and may only be released on bail set individually by the court following a hearing held in open court. Except as provided in section 6 of this chapter, the court shall conduct a bail hearing not later than forty-eight (48) hours after the person has been arrested, unless exigent circumstances prevent holding the hearing within forty-eight (48) hours. Before releasing a violent arrestee on bail, the court must review the probable cause affidavit or arrest warrant.

(d) A repeat violent arrestee may not be released pursuant to a bail schedule, and may only be released on bail set individually by the court following a hearing held in open court. Except as provided in section 6 of this chapter, the court shall conduct a bail hearing not later than forty-eight (48) hours after the person has been arrested, unless exigent circumstances prevent holding the hearing within forty-eight (48) hours. Before releasing a repeat violent arrestee on bail, the court must review the probable cause affidavit or arrest warrant. If a court releases a repeat violent arrestee on bail, the court must impose bail in an amount that equals or exceeds the minimum bail amount for the repeat violent arrestee's most serious offense.

(e) A third party may not pay money bail imposed under this section on behalf of a repeat violent arrestee (even for the portion that exceeds the minimum bail amount) unless the third party is a close relative (as defined in IC 33-23-11-2) of the repeat violent arrestee."

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 324 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 8, Nays 1.

SB 324—LS 7261/DI 151

