

SENATE BILL No. 336

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-30-3.

Synopsis: Pretrial detention of juveniles. Prohibits a juvenile arrestee who meets certain requirements from being housed with adult inmates prior to trial except when it would be in the interests of justice to house the arrestee with adults. Requires the court to consider: (1) the juvenile arrestee's age; (2) the physical and mental maturity of the juvenile arrestee; (3) the present mental state of the juvenile arrestee, including whether the juvenile arrestee presents an imminent risk of harm to himself or herself or others; (4) the nature and circumstances of the alleged offense; (5) any prior history of delinquent or criminal acts of the juvenile arrestee; and (6) the ability of the adult facility to meet the specific needs of the juvenile arrestee; in determining whether the interests of justice require that the juvenile arrestee be housed with adults. Provides that a juvenile arrestee may not be held in an adult facility for more than 180 days unless good cause is shown. Requires the court to review its determination of placement every 30 days.

Effective: July 1, 2020.

Breaux

January 13, 2020, read first time and referred to Committee on Corrections and Criminal Law.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 336

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 31-30-3-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. If jurisdiction is
3 waived, the juvenile court:

4 (1) shall order the child held for proceedings ~~in the court to which~~
5 ~~the child is waived as provided in section 12 of this chapter;~~
6 and

7 (2) may fix a recognizance bond for the child to answer the charge
8 in the court to which the child is waived.

9 SECTION 2. IC 31-30-3-12 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2020]: **Sec. 12. (a) As used in this section, "juvenile arrestee"**
12 **means a child who is less than eighteen (18) years of age who has**
13 **been charged as an adult and is awaiting trial, sentencing, or other**
14 **legal process.**

15 **(b) A juvenile arrestee who is housed in a secure facility may**
16 **not:**

17 **(1) be held in an adult facility, except as provided in**



- 1 **IC 31-37-7-2; or**
2 **(2) be held in a facility that has sight or sound contact with**
3 **adult inmates;**
4 **unless a court finds, after a hearing and in writing, that it is in the**
5 **best interests of justice for the juvenile arrestee to be housed in an**
6 **adult facility or have sight or sound contact with adult inmates.**
7 **(c) In making a determination under subsection (b), the court**
8 **shall consider:**
9 **(1) the age of the juvenile arrestee;**
10 **(2) the physical and mental maturity of the juvenile arrestee;**
11 **(3) the present mental state of the juvenile arrestee, including**
12 **whether the juvenile arrestee presents an imminent risk of**
13 **harm to himself or herself or others;**
14 **(4) the nature and circumstances of the alleged offense;**
15 **(5) any prior history of delinquent or criminal acts of the**
16 **juvenile arrestee; and**
17 **(6) the ability of the adult facility to meet the specific needs of**
18 **the juvenile arrestee.**
19 **(d) If a court determines it is in the best interests of justice for**
20 **the juvenile arrestee to be housed in an adult facility or have sight**
21 **or sound contact with adult inmates, the court may order that the**
22 **juvenile arrestee be held in an adult facility for not more than one**
23 **hundred eighty (180) days.**
24 **(e) The court may extend the one hundred eighty (180) day**
25 **period described in subsection (d) for another one hundred eighty**
26 **(180) days if the court finds, in writing, that there is good cause to**
27 **extend the juvenile arrestee's placement in an adult facility, unless**
28 **the juvenile arrestee waives this requirement.**
29 **(f) If the court orders a juvenile arrestee to be held under**
30 **subsection (d) or (e), the court shall hold a hearing at least one (1)**
31 **time every thirty (30) days to review whether it is still in the**
32 **interests of justice to house the arrestee in the adult facility.**

