



February 15, 2024

ENGROSSED
SENATE BILL No. 70

DIGEST OF SB 70 (Updated February 14, 2024 11:50 am - DI 140)

Citations Affected: IC 5-2.

Synopsis: Bail and release review commission. Establishes the bail and release review commission to review data concerning bail, bail reform, pretrial release, and related matters. Provides that the commission expires June 30, 2026.

Effective: July 1, 2024.

Koch, Freeman, Glick, Gaskill
(HOUSE SPONSOR — STEUERWALD)

January 8, 2024, read first time and referred to Committee on Rules and Legislative Procedure.

January 25, 2024, amended; reassigned to Committee on Judiciary.

February 1, 2024, amended, reported favorably — Do Pass.

February 5, 2024, read second time, ordered engrossed. Engrossed.

February 6, 2024, read third time, passed. Yeas 47, nays 1.

HOUSE ACTION

February 12, 2024, read first time and referred to Committee on Courts and Criminal Code.

February 15, 2024, reported — Do Pass.

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February 15, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 70

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 5-2-25 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]:
4 **Chapter 25. Bail and Release Review Commission**
5 **Sec. 1. As used in this chapter, "commission" means the bail and**
6 **release review commission established by section 2 of this chapter.**
7 **Sec. 2. The bail and release review commission is established as**
8 **a temporary executive branch commission to do the following:**
9 (1) **Review data concerning the effect of bail reform measures**
10 **on public safety, including violent crime and recidivism.**
11 (2) **Review data concerning the effectiveness of pretrial**
12 **release measures in ensuring a defendant's court appearance.**
13 (3) **Review data concerning the effectiveness of pretrial**
14 **release reform efforts in Indiana.**
15 (4) **Review the effect of pretrial detention on defendants.**
16 (5) **Review bail schedules and practices used statewide.**
17 (6) **Review the effectiveness of bail and release measures used**

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1 in other states.

2 (7) Before November 1 of each year, issue a report containing
3 its findings and recommendations to:

4 (A) the governor; and

5 (B) the legislative council.

6 The report to the legislative council must be in an electronic
7 format under IC 5-14-6.

8 **Sec. 3. The commission consists of the following sixteen (16)**
9 **members:**

10 (1) The president pro tempore of the senate, or a designee of
11 the president pro tempore who is a member of the senate. The
12 president pro tempore or designee shall serve as a
13 co-chairperson of the commission.

14 (2) The minority leader of the senate or a designee of the
15 minority leader who is a member of the senate.

16 (3) The speaker of the house of representatives or the
17 speaker's designee who is a member of the house of
18 representatives. The speaker or designee shall serve as a
19 co-chairperson of the commission.

20 (4) The minority leader of the house of representatives or the
21 minority leader's designee who is a member of the house of
22 representatives.

23 (5) The governor or the governor's designee.

24 (6) The superintendent of the state police department or the
25 superintendent's designee.

26 (7) The commissioner of the Indiana department of correction
27 or the commissioner's designee.

28 (8) The director of the division of mental health and addiction
29 of the office of the secretary of the family and social services
30 administration or the director's designee.

31 (9) The budget director or the budget director's designee.

32 (10) The chief justice of Indiana or the chief justice's designee.

33 (11) The president of the Indiana judges association or the
34 president's designee.

35 (12) The executive director of the Indiana prosecuting
36 attorneys council or the executive director's designee.

37 (13) A victim advocate from a prosecuting attorney's office,
38 appointed by the executive director of the Indiana prosecuting
39 attorneys council.

40 (14) The executive director of the Indiana public defender
41 council or the executive director's designee.

42 (15) The president of the Indiana sheriffs' association or the



1 **president's designee.**

2 **(16) The executive director of the association of Indiana**
 3 **counties or the executive director's designee.**

4 **Sec. 4. A member serves for a term that ends on June 30 of the**
 5 **next odd-numbered year following the member's appointment.**
 6 **However, the member may be reappointed to subsequent terms.**

7 **Sec. 5. A member who is not an ex officio member serves at the**
 8 **pleasure of the appointing authority.**

9 **Sec. 6. An appointment to fill a vacancy shall be made in the**
 10 **same manner that an original appointment is made. An individual**
 11 **appointed to fill a vacancy serves for the remainder of the term of**
 12 **the former member.**

13 **Sec. 7. Each member of the commission who is a state employee**
 14 **is entitled to reimbursement for traveling expenses as provided**
 15 **under IC 4-13-1-4 and other expenses actually incurred in**
 16 **connection with the member's duties as provided in the state**
 17 **policies and procedures established by the Indiana department of**
 18 **administration and approved by the budget agency.**

19 **Sec. 8. Each member of the commission who is not a state**
 20 **employee is entitled to receive the same per diem, mileage, and**
 21 **travel allowances paid to individuals who serve as legislative and**
 22 **lay members, respectively, of interim study committees established**
 23 **by the legislative council.**

24 **Sec. 9. Each member of the council who is a member of the**
 25 **general assembly is entitled to receive the same per diem, mileage,**
 26 **and travel allowances paid to legislative members of interim study**
 27 **committees established by the legislative council. Per diem,**
 28 **mileage, and travel allowances paid under this section shall be paid**
 29 **from appropriations made to the legislative council or the**
 30 **legislative services agency.**

31 **Sec. 10. Except for expenses described in section 9 of this**
 32 **chapter, expenses of the commission shall be paid from funds**
 33 **appropriated to the governor.**

34 **Sec. 11. The commission shall hold meetings at the call of the**
 35 **co-chairpersons.**

36 **Sec. 12. Nine (9) members constitute a quorum for the**
 37 **transaction of business.**

38 **Sec. 13. Each member has one (1) vote.**

39 **Sec. 14. Action of the commission may be taken only upon the**
 40 **affirmative votes of at least nine (9) members.**

41 **Sec. 15. The office of the governor shall staff the commission.**

42 **Sec. 16. This chapter expires June 30, 2026.**



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 70, 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:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

(Reference is to SB 70 as introduced.)

BRAY, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 70, 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 2, line 8, delete "eighteen (18)" and insert "**sixteen (16)**".

Page 3, line 36, delete "Ten (10)" and insert "**Nine (9)**".

Page 3, line 40, delete "ten (10)" and insert "**nine (9)**".

and when so amended that said bill do pass.

(Reference is to SB 70 as printed January 26, 2024.)

BROWN L, Chairperson

Committee Vote: Yeas 8, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 70, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 70 as printed February 2, 2024.)

MCNAMARA

Committee Vote: Yeas 12, Nays 0

