

## HOUSE BILL No. 1194

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-33-8.

**Synopsis:** Bail matters. Provides that offenses other than murder are not bailable if the state proves: (1) by a preponderance of the evidence that the proof is evident or the presumption strong; and (2) by clear and convincing evidence that the arrestee is dangerous and that no conditions of release will reasonably protect the safety of other persons or the community. Establishes procedures for a bail hearing.

**Effective:** January 1, 2027.

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January 5, 2026, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

## HOUSE BILL No. 1194

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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 35-33-8-2, AS AMENDED BY P.L.41-2018,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2027]: Sec. 2. **(a)** Murder is not bailable if the state  
4 proves by a preponderance of the evidence that the proof is evident or  
5 the presumption strong.

6 **(b) Offenses other than murder are not bailable if the state  
7 proves at a hearing under section 3.7 of this chapter:**

8 **(1) by a preponderance of the evidence that the proof is  
9 evident or the presumption strong for the charged offense;  
10 and**

11 **(2) by clear and convincing evidence that:**  
12 **(A) the arrestee poses a substantial risk to the safety of any  
13 other person or the community; and**  
14 **(B) no conditions of release will reasonably protect the  
15 safety of any other person or the community.**

16 **(c) In all other cases, offenses are bailable as provided in this  
17 chapter.**



1           SECTION 2. IC 35-33-8-3.7 IS ADDED TO THE INDIANA CODE  
2       AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
3       JANUARY 1, 2027]: Sec. 3.7. (a) This section does not apply to a  
4       charge of murder. A person charged with murder shall be detained  
5       as provided in section 2 of this chapter.

6           (b) For a charge other than murder, on motion of the state at or  
7       before an initial hearing, the court shall hold a hearing to  
8       determine whether an arrestee shall be denied bail. The state may  
9       request detention of the arrestee at a later date if it files a verified  
10      petition alleging the existence of new information that was  
11      unknown or unavailable at the time of the initial hearing.

12           (c) The court shall hold the bail hearing described in subsection  
13      (b) not later than forty-eight (48) hours from the time of filing,  
14      unless doing so is impracticable. However, the court may grant a  
15      continuance of:

16           (1) not more than five (5) days, if requested by the arrestee;  
17           and

18           (2) not more than three (3) days, if requested by the state.

19           (d) At the bail hearing, the arrestee has all constitutional rights  
20      guaranteed to a person accused of a crime, including the right to be  
21      represented by counsel and, if the arrestee is indigent, to have  
22      counsel appointed. The arrestee also has the right to testify, to  
23      present evidence, and to subpoena and cross-examine witnesses.

24           (e) In making a determination of whether to deny bail, a court  
25      shall consider the following factors, in addition to any other fact or  
26      circumstance relevant to reasonably assuring appearance and the  
27      safety of any other person or the community:

28           (1) The nature and circumstances of the offense charged,  
29      including whether the offense is an offense of violence or  
30      involves alcohol or drug abuse.

31           (2) The weight of the evidence against the arrestee.

32           (3) The history and characteristics of the arrestee, including:

33           (A) the character, physical and mental condition, family  
34      ties, employment, financial resources, length of residence  
35      in the community, community ties, past conduct, history  
36      relating to drug or alcohol abuse, and criminal history of  
37      the arrestee; and

38           (B) whether, at the time of the current alleged offense or at  
39      the time of the arrest of the arrestee, the arrestee was on  
40      probation, parole, community corrections, or release  
41      pending trial, sentencing, appeal, or completion of sentence  
42      for the commission of an offense under the laws of this



**state, another state, or the United States.**

**(4) The nature and seriousness of the danger to any person or the community that would be posed by the arrestee's release.**

(5) The availability, suitability, and effectiveness of less restrictive alternatives to detention and specific conditions of release that could reasonably mitigate the identified risk.

(6) Any other fact or circumstance that is relevant to reasonably assuring the appearance of the arrestee and the safety of any other person or the community.

23 (j) A court may reconsider an order granting or denying bail  
24 under this section if, at any time before trial, the court is made  
25 aware of information that was unknown or unobtainable at the  
26 time of a previous hearing and that has a material bearing on the  
27 issue of whether there are conditions of release that will reasonably  
28 assure the safety of any other person or the community. The court  
29 may order a new hearing under this section upon motion of the  
30 state or the arrestee.

31 SECTION 3. IC 35-33-8-3.8, AS ADDED BY P.L.187-2017,  
32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JANUARY 1, 2027]: Sec. 3.8. (a) A court shall consider the results of  
34 the Indiana pretrial risk assessment system (if available) before setting  
35 or modifying bail for an arrestee.

(1) The arrestee is charged with murder or treason.



