

MARTIN COUNTY COMMUNITY CORRECTIONS

HOME DETENTION ELIGIBILITY

If any of the following conditions apply, then the defendant **MAY NOT** be eligible for Pre-Trial or Post Sentencing Home Detention Program: (This list is not exclusive and is subject to change at any time.)

- **Pre-trial participants will not be transferred to another county for supervision**
- Refuses to follow recommendation(s) based on assessment(s) completed by MCCC or any other resource
- Individuals seeking to participate in the Pre-trial Release Program that have pending charges in any other county
- Drug dealing offenses may not be eligible for Pre-trial Release Program
- Works for any family member or self-employed
- Works out-of-state
- Employed at multiple worksites (examples: Logging, Trucking, etc.)
- Greater than a 10-hour workday
- Unless incarcerated a minimum of 15 days without receiving disciplinary actions OR have proof of verifiable, full-time employment
- Unless possessing a working cell phone at all times
- Anyone unable to pay startup fees
- Living in camper trailer, pop-ups, sheds, etc. (electricity, water, and sewage required)
- Owes previous fees that have been left unpaid (must be paid prior to acceptance)
- Living with an individual who has pending criminal charges or is currently on supervision
- Working where alcohol is sold/consumed
- Any family member and/or any person living/visiting the residence, who refuses to abide by the rules/conditions.
- Live in a County which does not have a Home Detention Program; does not accept transfers; or does not meet that county's eligibility requirements

NOTE: A participant, adult or juvenile, that has either been charged or convicted of the following offenses makes them a "violent offender" under the Home Detention statute (35-38-2.5-4.7) and requires them to be on a GPS System.

"Crimes of Violence" may not be accepted as Transfers from other counties.

"Crimes of Violence" may not be transferred to other counties.

"Crimes of Violence" may not be supervised by Martin County Community Corrections if residing in a contingent county.

The following "violent offenders" may NOT be eligible for the Martin County Pre-Trial Release Program:

1. Murder 35-42-1-1
2. Attempted Murder 35-41-5-1
3. Voluntary manslaughter 35-42-1-3
4. Involuntary manslaughter 35-42-1-4
5. Reckless homicide 35-42-1-5
6. Aggravated battery 35-42-2-1.5
7. Kidnapping 35-42-3-2
8. Rape 35-42-4-1
9. Criminal Deviate Conduct 35-42-4-2 (Repealed)
10. Child Molesting 35-42-4-3
11. Sexual Misconduct w/Minor, 35-42-4-9(a)(2) and 35-42-4-(b)(2)
12. Robbery, 35-42-5-1
13. Burglary, 35-43-2-1
14. Oper vehicle w/intoxicated causing death 9-30-5-5.
15. Oper.Vehicle w/intoxicated-serious bodily injury9-30-5-4
16. Battery 35-42-2-1 (all classes)
17. Resisting Law Enforcement as a Felony 35-44.1-3-1
18. Unlawful poss. of a firearm by a violent felon 35-47-4-5
19. Arson 35-43-1-1 (All classes)
20. Escape 35-44.1-3-4
21. Criminal Stalking 35-45-10-5 (All classes)
22. Explosive Offenses 35-47-5-5
23. Incest 35-46-1-3
24. Child Exploit; 35-42-4-4 (All classes)

Per Martin County Prosecutorial Advice: **IC 35-31.5-2-217** "Offense relating to controlled substances" Sec. 217. "Offense relating to controlled substances" means the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug ([IC 35-48-4-1](#)).
- (2) Dealing in methamphetamine ([IC 35-48-4-1.1](#)).
- (3) Manufacturing methamphetamine ([IC 35-48-4-1.2](#)).
- (4) Dealing in a schedule I, II, or III controlled substance ([IC 35-48-4-2](#)).
- (5) Dealing in a schedule IV controlled substance ([IC 35-48-4-3](#)).
- (6) Dealing in a schedule V controlled substance ([IC 35-48-4-4](#)).

As added by P.L.114-2012, SEC.67. Amended by P.L.252-2017, SEC.9.

Effective 8/10/17