February 16, 1998

ENGROSSED
SENATE BILL No. 355

DIGEST OF SB 355 (Updated February 16, 1998 1:43 pm - DI 77)

Citations Affected: IC 35-38; IC 35-42; IC 35-48; noncode.

Synopsis: Sex and substance abuse crimes. Enhances the penalty for various sex offenses if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug, an intoxicant, or a controlled substance. Allows a court to consider as an aggravating factor at sentencing the use of a sedating or hypnotic drug. Makes gamma hydroxybutyrate a Schedule II controlled substance. Makes ketamine a Schedule III controlled substance. Provides that a building, structure, vehicle, or other place must be used one or more times for purposes related to controlled substances for the owner to commit maintaining a common nuisance. Requires state institutions of

(Continued next page)

Effective: July 1, 1998.

Simpson, Bray, Bowser, Alexa, Randolph, Zakas

(HOUSE SPONSORS — KRUZAN, BUDAK, CROSBY, C. BROWN)

January 8, 1998, read first time and referred to Committee on Judiciary.
January 29, 1998, amended, reported favorably — Do Pass.
February 2, 1998, read second time, amended, ordered engrossed.
February 3, 1998, engrossed. Read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 10, 1998, read first time and referred to Committee on Public Health.
February 16, 1998, amended, reported — Do Pass.

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Digest Continued

higher education to provide certain information concerning sex crimes and sex crime prevention to the commission for higher education. Requires the commission for higher education to prepared and distribute a final report. Requires the state police department, Indiana criminal justice institute, and Indiana state board of pharmacy to work with interested parties to amend the Indiana recommended protocol for the forensic and medical examination of sex offense victims to include an explanation of date rape drugs and an offer of testing for the drugs to sex offense victims.

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February 16, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

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ENGROSSED
SENATE BILL No. 355

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:

SECTION 1. IC 35-38-1-7.1, AS AMENDED BY P.L.210-1997, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court shall consider:

(1) the risk that the person will commit another crime;

(2) the nature and circumstances of the crime committed;

(3) the person's:

(A) prior criminal record;

(B) character; and

(C) condition;

(4) whether the victim of the crime was less than twelve (12) years of age or at least sixty-five (65) years of age;

(5) whether the person violated a protective order issued against the person under IC 31-15 or IC 31-16 (or IC 31-1-11.5 before its repeal) or IC 34-4-5.1; and

(6) any oral or written statement made by a victim of the crime.

(b) The court may consider the following factors as aggravating circumstances or as favoring imposing consecutive terms of imprisonment:

(1) The person has recently violated the conditions of any probation, parole, or pardon granted to the person.

(2) The person has a history of criminal or delinquent activity.

(3) The person is in need of correctional or rehabilitative treatment that can best be provided by commitment of the person to a penal facility.

(4) Imposition of a reduced sentence or suspension of the sentence and imposition of probation would depreciate the seriousness of the crime.

(5) The victim of the crime was less than twelve (12) years of age or at least sixty-five (65) years of age.

(6) The victim of the crime was mentally or physically infirm.

(7) The person committed a forcible felony while wearing a garment designed to resist the penetration of a bullet.

(8) The person committed a sex crime listed in subsection (e) and:

(A) the crime created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV) and involved the sex organ of one (1) person and the mouth, anus, or sex organ of another person;

(B) the person had knowledge that the person was a carrier of HIV; and

(C) the person had received risk counseling as described in subsection (g).

(9) The person committed an offense related to controlled substances listed in subsection (f) if:

(A) the offense involved:

(i) the delivery by any person to another person; or

(ii) the use by any person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact;

(B) the person had knowledge that the person was a carrier of the human immunodeficiency virus (HIV); and

(C) the person had received risk counseling as described in subsection (g).

(10) The person committed the offense in an area of a consolidated or second class city that is designated as a public safety improvement area by the Indiana criminal justice institute under IC 36-8-19.5.

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(11) Before the commission of the crime, the person administered to the victim of the crime, without the victim's knowledge, a sedating drug or a drug that had a hypnotic effect on the victim, or the person had knowledge that such a drug had been administered to the victim without the victim's knowledge.

(c) The court may consider the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:

(1) The crime neither caused nor threatened serious harm to persons or property, or the person did not contemplate that it would do so.

(2) The crime was the result of circumstances unlikely to recur.

(3) The victim of the crime induced or facilitated the offense.

(4) There are substantial grounds tending to excuse or justify the crime, though failing to establish a defense.

(5) The person acted under strong provocation.

(6) The person has no history of delinquency or criminal activity, or the person has led a law-abiding life for a substantial period before commission of the crime.

(7) The person is likely to respond affirmatively to probation or short term imprisonment.

(8) The character and attitudes of the person indicate that the person is unlikely to commit another crime.

(9) The person has made or will make restitution to the victim of the crime for the injury, damage, or loss sustained.

(10) Imprisonment of the person will result in undue hardship to the person or the dependents of the person.

(11) The person was convicted of a crime involving the use of force against a person who had repeatedly inflicted physical or sexual abuse upon the convicted person and evidence shows that the convicted person suffered from the effects of battery as a result of the past course of conduct of the individual who is the victim of the crime for which the person was convicted.

(d) The criteria listed in subsections (b) and (c) do not limit the matters that the court may consider in determining the sentence.

(e) For the purposes of this article, the following crimes are considered sex crimes:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child seduction (IC 35-42-4-7).

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(5) Prostitution (IC 35-45-4-2).
(6) Patronizing a prostitute (IC 35-45-4-3).
(7) Incest (IC 35-46-1-3).

(f) For the purposes of this article, the following crimes are considered offenses related to controlled substances:

(1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
(2) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(3) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(4) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(5) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
(6) Possession of a controlled substance (IC 35-48-4-7).
(7) Dealing in paraphernalia (IC 35-48-4-8.5).
(8) Possession of paraphernalia (IC 35-48-4-8.3).
(9) Offenses relating to registration (IC 35-48-4-14).

(g) For the purposes of this section, a person received risk counseling if the person had been:

(1) notified in person or in writing that tests have confirmed the presence of antibodies to the human immunodeficiency virus (HIV) in the person's blood; and
(2) warned of the behavior that can transmit HIV.

SECTION 2. IC 35-42-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. **(a) Except as provided in subsection (b),** a person who knowingly or intentionally has sexual intercourse with a member of the opposite sex when:

(1) the other person is compelled by force or imminent threat of force;
(2) the other person is unaware that the sexual intercourse is occurring; or
(3) the other person is so mentally disabled or deficient that consent to sexual intercourse cannot be given;

commits rape, a Class B felony. ~~However, the~~

(b) An offense **described in subsection (a)** is a Class A felony if:

(1) it is committed by using or threatening the use of deadly force; ~~if~~
(2) it is committed while armed with a deadly weapon; ~~or if~~
(3) it results in serious bodily injury to a person other than a defendant; **or**
(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(2)) or a controlled substance (as defined in IC 35-48-1-9).

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SECTION 3. IC 35-42-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. **(a)** A person who knowingly or intentionally causes another person to perform or submit to deviate sexual conduct when:

(1) the other person is compelled by force or imminent threat of force;

(2) the other person is unaware that the conduct is occurring; or

(3) the other person is so mentally disabled or deficient that consent to the conduct cannot be given;

commits criminal deviate conduct, a Class B felony. ~~However, the~~

(b) An offense **described in subsection (a)** is a Class A felony if:

(1) it is committed by using or threatening the use of deadly force; ~~if~~

(2) it is committed while armed with a deadly weapon; ~~or if~~

(3) it results in serious bodily injury to any person other than a defendant; **or**

(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(2)) or a controlled substance (as defined in IC 35-48-1-9).

SECTION 4. IC 35-42-4-3, AS AMENDED BY P.L.216-1996, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) A person who, with a child under fourteen (14) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits child molesting, a Class B felony. However, the offense is a Class A felony if:

(1) it is committed by a person at least twenty-one (21) years of age; ~~or~~

(2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon; ~~or if~~

(3) it results in serious bodily injury; **or**

(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(2)) or a controlled substance (as defined in IC 35-48-1-9).

(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a Class C felony. However, the offense is a Class A felony if:

(1) it is committed by using or threatening the use of deadly force; ~~or~~

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(2) it is committed while armed with a deadly weapon; **or**

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(2)) or a controlled substance (as defined in IC 35-48-1-9).

(c) It is a defense that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct.

SECTION 5. IC 35-42-4-5, AS AMENDED BY P.L.79-1994, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of sixteen (16) to touch or fondle himself or another child under the age of sixteen (16) with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a Class D felony. However, the offense is:

(1) a Class C felony if a child involved in the offense is under the age of fourteen (14); ~~and it is~~

(2) a Class B felony if:

(A) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon; **or**

(B) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(2)) or a controlled substance (as defined in IC 35-48-1-9); and

(3) a Class A felony if it results in serious bodily injury.

(b) A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of sixteen (16) to:

(1) engage in sexual intercourse with another child under sixteen (16) years of age;

(2) engage in sexual conduct with an animal other than a human being; or

(3) engage in deviate sexual conduct with another person;

with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a Class C felony. However, the offense is a Class B felony if any child involved in the offense is less than fourteen (14) years of age, and it is a Class A felony if the offense is committed by using or threatening the use of deadly force, ~~or~~ **if it is committed** while armed with a deadly weapon, ~~or~~ if it results in serious bodily injury, **or if the commission of the offense is facilitated by furnishing the victim, without the victim's**

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knowledge, with a drug (as defined in IC 16-42-19-2(2)) or a controlled substance (as defined in IC 35-48-1-9).

SECTION 6. IC 35-42-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. **(a)** A person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person, touches another person when that person is:

(1) compelled to submit to the touching by force or the imminent threat of force; or

(2) so mentally disabled or deficient that consent to the touching cannot be given;

commits sexual battery, a Class D felony. ~~However, the~~

(b) An offense **described in subsection (a)** is a Class C felony if:

(1) it is committed by using or threatening the use of deadly force; ~~or~~

(2) it is committed while armed with a deadly weapon; **or**

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(2)) or a controlled substance (as defined in IC 35-48-1-9).

SECTION 7. IC 35-42-4-9, AS AMENDED BY P.L.216-1996, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. (a) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits sexual misconduct with a minor, a Class C felony. However, the offense is:

(1) a Class B felony if it is committed by a person at least twenty-one (21) years of age; and

(2) a Class A felony if it is committed by using or threatening the use of deadly force, ~~or~~ **if it is committed** while armed with a deadly weapon, ~~or~~ if it results in serious bodily injury, **or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(2)) or a controlled substance (as defined in IC 35-48-1-9).**

(b) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits sexual misconduct with a minor, a Class D felony. However, the offense is:

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(1) a Class C felony if it is committed by a person at least twenty-one (21) years of age; and

(2) a Class B felony if it is committed by using or threatening the use of deadly force, ~~or~~ while armed with a deadly weapon, **or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(2)) or a controlled substance (as defined in IC 35-48-1-9).**

(c) It is a defense that the accused person reasonably believed that the child was at least sixteen (16) years of age at the time of the conduct.

(d) It is a defense that the child is or has ever been married.

SECTION 8. IC 35-48-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) The controlled substances listed in this section are included in schedule II.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, naloxone, naltrexone, and their respective salts but including:

~~(i)~~ **(A)** raw opium (9600);
~~(ii)~~ **(B)** opium extracts (9610);
~~(iii)~~ **(C)** opium fluid extracts (9620);
~~(iv)~~ **(D)** powdered opium (9639);
~~(v)~~ **(E)** granulated opium (9640);
~~(vi)~~ **(F)** tincture of opium (9630);
~~(vii)~~ **(G)** codeine (9050);
~~(viii)~~ **(H)** ethylmorphine (9190);
~~(ix)~~ **(I)** etorphine hydrochloride (9059);
~~(x)~~ **(J)** hydrocodone (9193);
~~(xi)~~ **(K)** hydromorphone (9150);
~~(xii)~~ **(L)** metopon (9260);
~~(xiii)~~ **(M)** morphine (9300);
~~(xiv)~~ **(N)** oxycodone (9143);
~~(xv)~~ **(O)** oxymorphone (9652); and
~~(xvi)~~ **(P)** thebaine (9333).

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the

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substances referred to in subdivision (b)(1) of this section, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Cocaine (9041).

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

Alfentanil (9737)
Alphaprodine (9010)
Anileridine (9020)
Bezitramide (9800)
Bulk dextropropoxyphene (nondosage forms) (9273)
Dihydrocodeine (9120)
Diphenoxylate (9170)
Fentanyl (9801)
Isomethadone (9226)
Levomethorphan (9210)
Levorphanol (9220)
Metazocine (9240)
Methadone (9250)
Methadone-Intermediate, 4-cyano-2-dimethyl-amino-4, 4-diphenyl butane (9254)
Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane- carboxylic acid (9802)
Pethidine (Meperidine) (9230)
Pethidine-Intermediate- A, 4-cyano-1-methyl-4-phenylpiperidine (9232)
Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate (9233)
Pethidine-Intermediate-C,1-methyl-4-phenylpiperidine-4-carbo xylic acid (9234)
Phenazodine (9715)
Piminodine (9730)
Racemethorphan (9732)
Racemorphan (9733)
Sufentanil (9740)

(d) Stimulants. Any material compound, mixture, or preparation which contains any quantity of the following substances having a

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potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers (1100).

(2) Methamphetamine, including its salts, isomers, and salts of its isomers (1105).

(3) Phenmetrazine and its salts (1631).

(4) Methylphenidate (1724).

(e) Depressants. Unless specifically excepted by rule of the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Amobarbital (2125)

Gamma hydroxybutyrate

Pentobarbital (2270)

Phencyclidine (7471)

Secobarbital (2315)

(f) Immediate precursors. Unless specifically excepted by rule of the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine: Phenylacetone (8501). Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.

(2) Immediate precursors to phencyclidine (PCP):

~~(i)~~ **(A)** 1-phenylcyclohexylamine (7460); or

~~(ii)~~ **(B)** 1-piperidinocyclohexanecarbonitrile (PCC) (8603).

(g) Hallucinogenic substances:

Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product (7369).

SECTION 9. IC 35-48-2-8, AS AMENDED BY P.L.1-1994, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) The controlled substances listed in this section are included in schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a

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stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on April 1, 1986, as excepted compounds under 21 CFR 1308.32, and any other drug of the quantitative composition shown in that list for those drugs or that is the same except that it contains a lesser quantity of controlled substances (1405).

(2) Benzphetamine (1228).

(3) Chlorphentermine (1645).

(4) Clortermine (1647).

(5) Phendimetrazine (1615).

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing:

(A) amobarbital (2125);

(B) secobarbital (2315);

(C) pentobarbital (2270); or

(D) any of their salts;

and one (1) or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:

(A) amobarbital (2125);

(B) secobarbital (2315);

(C) pentobarbital (2270); or

(D) any of their salts;

and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt thereof (2100).

(4) Chlorhexadol (2510).

(5) Glutethimide (2550).

(6) Lysergic acid (7300).

(7) Lysergic acid amide (7310).

(8) Methyprylon (2575).

(9) Sulfondiethylmethane (2600).

(10) Sulfonethylmethane (2605).

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(11) Sulfonmethane (2610).

(12) A combination product containing tiletimine and zolazepam (Telazol) (7295).

(d) Nalorphine (a narcotic drug) (9400).

(e) Narcotic Drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following limited quantities:

(1) Not more than 1.8 grams of codeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium (9803).

(2) Not more than 1.8 grams of codeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9804).

(3) Not more than 300 milligrams of dihydrocodeinone, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium (9805).

(4) Not more than 300 milligrams of dihydrocodeinone, per 100 milliliters or not more than 15 milligrams per dosage unit, with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts (9806).

(5) Not more than 1.8 grams of dihydrocodeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9807).

(6) Not more than 300 milligrams of ethylmorphine, per 100 milliliters or not more than 15 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9808).

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9809).

(8) Not more than 50 milligrams of morphine, per 100 milliliters or per 100 grams with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts (9810).

(f) Anabolic steroid (as defined in 21 U.S.C. 802(41)(A) and 21 U.S.C. 802(41)(B)).

(g) The board shall except by rule any compound, mixture, or

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preparation containing any stimulant or depressant substance listed in subsections (b) through (e) from the application of any part of this article if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

(h) Any material, compound, mixture, or preparation which contains any quantity of Ketamine.

SECTION 10. IC 35-48-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. (a) A person who knowingly or intentionally visits a building, structure, vehicle, or other place that is used by any person to unlawfully use a controlled substance commits visiting a common nuisance, a Class B misdemeanor.

(b) A person who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used **one (1) or more times:**

(1) by persons to unlawfully use controlled substances; or

(2) for unlawfully:

(A) keeping;

(B) offering for sale;

(C) selling;

(D) delivering; or

(E) financing the delivery of;

controlled substances, or items of drug paraphernalia as described in IC 35-48-4-8.5;

commits maintaining a common nuisance, a Class D felony.

SECTION 11. [EFFECTIVE JULY 1, 1998] **(a) As used in this SECTION, "rape drug" means a drug that is used to facilitate commission of a sex offense.**

(b) The state police department, the Indiana criminal justice institute, and the state board of pharmacy shall work with interested parties to amend the Indiana recommended protocol for the forensic and medical examination of sex offense victims to include the following:

(1) An explanation to a victim of common rape drugs, how the drugs are administered, and the effects of the drugs.

(2) An offer to a victim of testing for the presence of rape drugs.

(3) A consent form notifying the victim that all drugs taken will be disclosed by the drug test.

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(c) This SECTION expires July 1, 1999.

SECTION 12. [EFFECTIVE JULY 1, 1998] **(a) As used in this SECTION, "state institution of higher education" includes the following:**

(1) Ball State University.

(2) Indiana State University.

(3) Indiana University.

(4) Purdue University.

(5) University of Southern Indiana.

(6) Vincennes University.

(b) Each state institution of higher education shall submit a report to the Indiana commission for higher education that includes the following for each campus of the institution:

(1) Information concerning the institution's written policy, if any, on rape and sexual assault and the extent to which that policy:

(A) fosters the prevention and awareness of sexual offenses;

(B) encourages prompt reporting of sexual offenses; and

(C) establishes a complaint procedure for on-campus sexual violence and crimes.

(2) Information concerning:

(A) educational materials developed for distribution on campus; and

(B) institution-sponsored or supported programs;

that are related to the institution's efforts to raise awareness of and prevent date rape, the use of date rape drugs, and other safety issues.

(3) Lists of on-campus and off-campus resources available to students for:

(A) the reporting of sexual offenses to authorities; and

(B) counseling and other assistance for victims of sexual offenses.

(4) Information concerning the institution's efforts to solicit suggestions and assistance from students, faculty, staff, law enforcement officers, and medical personnel in developing the institution's policies, educational materials, and programs associated with the reduction of sexual offenses against students and other members of the educational community.

(c) The report required under subsection (b) shall be submitted to the Indiana commission for higher education before October 1, 1998.

C o p y

(d) The Indiana commission for higher education shall compile the reports received under subsection (c) into a final report and distribute the final report to the governor, the members of the general assembly, and the Indiana criminal justice institute before December 1, 1998.

(e) This SECTION expires January 1, 1999.

SECTION 13. [EFFECTIVE JULY 1, 1998]: **(a) IC 35-48-4-13, as amended by this act, applies only to offenses committed after June 30, 1998.**

(b) An offense committed under IC 35-48-4-13 before July 1, 1998, may be prosecuted and remains punishable as provided in IC 35-48-4-13, as effective before July 1, 1998.

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SENATE MOTION

Mr. President: I move that Senator Bray be added as second author of Senate Bill 355.

SIMPSON

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill 355, 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 1, delete lines 1 through 15.

Delete pages 2 through 3.

Page 4, delete lines 1 through 24.

Page 7, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 2. IC 35-42-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. **(a) Except as provided in subsection (b),** a person who knowingly or intentionally has sexual intercourse with a member of the opposite sex when:

(1) the other person is compelled by force or imminent threat of force;

(2) the other person is unaware that the sexual intercourse is occurring; or

(3) the other person is so mentally disabled or deficient that consent to sexual intercourse cannot be given;

commits rape, a Class B felony. ~~However, the~~

(b) An offense **described in subsection (a)** is a Class A felony if:

(1) it is committed by using or threatening the use of deadly force; ~~if~~

(2) it is committed while armed with a deadly weapon; ~~or if~~

(3) it results in serious bodily injury to a person other than a defendant; **or**

(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2), an intoxicant, or a controlled substance (as defined in IC 35-48-1-9).

SECTION 3. IC 35-42-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. **(a)** A person who knowingly or intentionally causes another person to perform or submit to deviate sexual conduct when:

(1) the other person is compelled by force or imminent threat of force;

(2) the other person is unaware that the conduct is occurring; or

(3) the other person is so mentally disabled or deficient that consent to the conduct cannot be given;

commits criminal deviate conduct, a Class B felony. ~~However, the~~

(b) An offense **described in subsection (a)** is a Class A felony if:

(1) it is committed by using or threatening the use of deadly force;

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~~if~~

(2) it is committed while armed with a deadly weapon; ~~or if~~

(3) it results in serious bodily injury to any person other than a defendant; **or**

(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2), an intoxicant, or a controlled substance (as defined in IC 35-48-1-9).

SECTION 4. IC 35-42-4-3, AS AMENDED BY P.L.216-1996, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) A person who, with a child under fourteen (14) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits child molesting, a Class B felony. However, the offense is a Class A felony if:

(1) it is committed by a person at least twenty-one (21) years of age; ~~or~~

(2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon; ~~or if~~

(3) it results in serious bodily injury; **or**

(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2), an intoxicant, or a controlled substance (as defined in IC 35-48-1-9).

(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a Class C felony. However, the offense is a Class A felony if:

(1) it is committed by using or threatening the use of deadly force; ~~or~~

(2) it is committed while armed with a deadly weapon; **or**

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2), an intoxicant, or a controlled substance (as defined in IC 35-48-1-9).

(c) It is a defense that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct.

SECTION 5. IC 35-42-4-5, AS AMENDED BY P.L.79-1994, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child

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under the age of sixteen (16) to touch or fondle himself or another child under the age of sixteen (16) with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a Class D felony. However, the offense is:

(1) a Class C felony if a child involved in the offense is under the age of fourteen (14); ~~and it is~~

(2) a Class B felony if:

(A) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon; **or**

(B) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2), an intoxicant, or a controlled substance (as defined in IC 35-48-1-9); and

(3) a Class A felony if it results in serious bodily injury.

(b) A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of sixteen (16) to:

(1) engage in sexual intercourse with another child under sixteen (16) years of age;

(2) engage in sexual conduct with an animal other than a human being; or

(3) engage in deviate sexual conduct with another person;

with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a Class C felony. However, the offense is a Class B felony if any child involved in the offense is less than fourteen (14) years of age, and it is a Class A felony if the offense is committed by using or threatening the use of deadly force, ~~or~~ **if it is committed** while armed with a deadly weapon, ~~or~~ if it results in serious bodily injury, **or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2), an intoxicant, or a controlled substance (as defined in IC 35-48-1-9).**

SECTION 6. IC 35-42-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. **(a)** A person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person, touches another person when that person is:

(1) compelled to submit to the touching by force or the imminent threat of force; or

(2) so mentally disabled or deficient that consent to the touching cannot be given;

commits sexual battery, a Class D felony. ~~However, the~~

C o p y

(b) An offense **described in subsection (a)** is a Class C felony if:

(1) it is committed by using or threatening the use of deadly force; ~~or~~

(2) it is committed while armed with a deadly weapon; **or**

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2), an intoxicant, or a controlled substance (as defined in IC 35-48-1-9).

SECTION 7. IC 35-42-4-9, AS AMENDED BY P.L.216-1996, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. (a) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits sexual misconduct with a minor, a Class C felony. However, the offense is:

(1) a Class B felony if it is committed by a person at least twenty-one (21) years of age; and

(2) a Class A felony if it is committed by using or threatening the use of deadly force, ~~or~~ **if it is committed** while armed with a deadly weapon, ~~or~~ if it results in serious bodily injury, **or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2), an intoxicant, or a controlled substance (as defined in IC 35-48-1-9).**

(b) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits sexual misconduct with a minor, a Class D felony. However, the offense is:

(1) a Class C felony if it is committed by a person at least twenty-one (21) years of age; and

(2) a Class B felony if it is committed by using or threatening the use of deadly force, ~~or~~ while armed with a deadly weapon, **or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2), an intoxicant, or a controlled substance (as defined in IC 35-48-1-9).**

(c) It is a defense that the accused person reasonably believed that the child was at least sixteen (16) years of age at the time of the conduct.

(d) It is a defense that the child is or has ever been married.".

C o p y

Page 9, after line 42, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE JULY 1, 1998] **(a) As used in this SECTION, "rape drug" means a drug that is used to facilitate commission of a sex offense.**

(b) The state police department, the Indiana criminal justice institute, and the state board of pharmacy shall work with interested parties to amend the Indiana recommended protocol for the forensic and medical examination of sex offense victims to include the following:

(1) An explanation to a victim of common rape drugs, how the drugs are administered, and the effects of the drugs.

(2) An offer to a victim of testing for the presence of rape drugs.

(3) A consent form notifying the victim that all drugs taken will be disclosed by the drug test.

(c) This SECTION expires July 1, 1999.".

Delete page 10.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 355 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 11, Nays 0.

C o p y

SENATE MOTION

Mr. President: I move that Senators Bowser, Alexa and Randolph be added as coauthors of Senate Bill 355.

SIMPSON

SENATE MOTION

Mr. President: I move that Senate Bill 355 be amended to read as follows:

Page 4, line 42, after "2" insert in bold "**(2)**".
Page 4, line 42, delete "an intoxicant,".
Page 5, line 20, after "2" insert in bold "**(2)**".
Page 5, line 20, delete "an intoxicant,".
Page 5, line 35, after "2" insert in bold "**(2)**".
Page 5, line 35, delete "an intoxicant,".
Page 6, line 5, after "2" insert in bold "**(2)**".
Page 6, line 5, delete "an intoxicant,".
Page 6, line 25, after "2" insert in bold "**(2)**".
Page 6, line 25, delete "an intoxicant,".
Page 7, line 2, after "2" insert in bold "**(2)**".
Page 7, line 2, delete "an intoxicant".
Page 7, line 20, after "2" insert in bold "**(2)**".
Page 7, line 20, delete "an intoxicant".
Page 7, line 36, after "2" insert in bold "**(2)**".
Page 7, line 36, delete "an intoxicant".
Page 8, line 8, after "2" insert in bold "**(2)**".
Page 8, line 8, delete "an intoxicant".

Page 10, after line 36 and before line 37, begin a new paragraph and insert:

"SECTION 9. IC 35-48-2-8, AS AMENDED BY P.L.1-1994, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) The controlled substances listed in this section are included in schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of

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isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on April 1, 1986, as excepted compounds under 21 CFR 1308.32, and any other drug of the quantitative composition shown in that list for those drugs or that is the same except that it contains a lesser quantity of controlled substances (1405).

(2) Benzphetamine (1228).

(3) Chlorphentermine (1645).

(4) Clortermine (1647).

(5) Phendimetrazine (1615).

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing:

(A) amobarbital (2125);

(B) secobarbital (2315);

(C) pentobarbital (2270); or

(D) any of their salts;

and one (1) or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:

(A) amobarbital (2125);

(B) secobarbital (2315);

(C) pentobarbital (2270); or

(D) any of their salts;

and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt thereof (2100).

(4) Chlorhexadol (2510).

(5) Glutethimide (2550).

(6) Lysergic acid (7300).

(7) Lysergic acid amide (7310).

(8) Methyprylon (2575).

(9) Sulfondiethylmethane (2600).

(10) Sulfonethylmethane (2605).

(11) Sulfonmethane (2610).

(12) A combination product containing tiletimine and zolazepam (Telazol) (7295).

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(d) Nalorphine (a narcotic drug) (9400).

(e) Narcotic Drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following limited quantities:

(1) Not more than 1.8 grams of codeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium (9803).

(2) Not more than 1.8 grams of codeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9804).

(3) Not more than 300 milligrams of dihydrocodeinone, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium (9805).

(4) Not more than 300 milligrams of dihydrocodeinone, per 100 milliliters or not more than 15 milligrams per dosage unit, with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts (9806).

(5) Not more than 1.8 grams of dihydrocodeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9807).

(6) Not more than 300 milligrams of ethylmorphine, per 100 milliliters or not more than 15 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9808).

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9809).

(8) Not more than 50 milligrams of morphine, per 100 milliliters or per 100 grams with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts (9810).

(f) Anabolic steroid (as defined in 21 U.S.C. 802(41)(A) and 21 U.S.C. 802(41)(B)).

(g) The board shall except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) through (e) from the application of any part of this article if the compound, mixture, or preparation contains one (1) or

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more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

(h) Any material, compound, mixture or preparation which contains any quantity of Ketamine.".

Renumber all SECTIONS consecutively.

(Reference is to Senate Bill 355 as printed January 30, 1998.)

SIMPSON

SENATE MOTION

Mr. President: I move that Senate Bill 355 be amended to read as follows:

Page 11, after line 9, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE JULY 1, 1998] **(a) As used in this SECTION, "state institution of higher education" includes the following:**

(1) Ball State University.
(2) Indiana State University.
(3) Indiana University.
(4) Ivy Tech State College.
(5) Purdue University.
(6) University of Southern Indiana.
(7) Vincennes University.

(b) Each state institution of higher education shall submit a report to the Indiana commission for higher education that includes the following for each campus of the institution:

(1) Information concerning the institution's written policy, if any, on rape and sexual assault, and the extent to which that policy:

(A) fosters the prevention and awareness of sexual offenses;
(B) encourages prompt reporting of sexual offenses; and
(C) establishes a complaint procedure for on-campus sexual violence and crimes.

(2) Information concerning:

(A) educational materials developed for distribution on

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campus; and

(B) institution-sponsored or supported programs;

that are related to the institution's efforts to raise awareness of and prevent date rape, the use of date rape drugs, and other safety issues.

(3) Lists of on-campus and off-campus resources available to students for:

(A) the reporting of sexual offenses to authorities; and

(B) counseling and other assistance for victims of sexual offenses.

(4) Information concerning the institution's efforts to solicit suggestions and assistance from students, faculty, staff, law enforcement officers, and medical personnel in developing the institution's policies, educational materials, and programs associated with the reduction of sexual offenses against students and other members of the educational community.

(c) The report required under this SECTION shall be submitted tot he Indiana commission for higher education before October 1, 1998.

This SECTION expires January 1, 1999.".

(Reference is to Senate Bill 355 as printed January 30, 1998.)

SIMPSON

SENATE MOTION

Mr. President: I move that Senate Bill 355 be amended to read as follows:

Page 10, between lines 36 and 37, begin a new paragraph and insert:

SECTION 9. IC 35-48-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. (a) A person who knowingly or intentionally visits a building, structure, vehicle, or other place that is used by any person to unlawfully use a controlled substance commits visiting a common nuisance, a Class B misdemeanor.

(b) A person who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used **one (1) or more times:**

(1) by persons to unlawfully use controlled substances; or

(2) for unlawfully:

(A) keeping;

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(B) offering for sale;
(C) selling;
(D) delivering; or
(E) financing the delivery of;
controlled substances, or items of drug paraphernalia as described in IC 35-48-4-8.5;

commits maintaining a common nuisance, a Class D felony.".

Page 11, after line 9, begin a new paragraph and insert the following:

SECTION 11. [EFFECTIVE JULY 1, 1998] **(a) IC 35-48-4-13, as amended by this act, applies only to offenses committed after June 30, 1998.**

(b) An offense committed under IC 35-48-4-13 before July 1, 1998, may be prosecuted and remains punishable as provided in IC 35-48-4-13, as effective before July 1, 1998.".

Renumber all SECTIONS consecutively.

(Reference is to Senate Bill 355 as printed January 30, 1998.)

WHEELER

C o p y

SENATE MOTION

Mr. President: I move that Senator Zakas be added as coauthor of Senate Bill 355.

SIMPSON

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 355, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 42, after "IC 16-42-19-2(2))" delete ",".
Page 5, line 20, after "IC 16-42-19-2(2))" delete ",".
Page 5, line 35, after "IC 16-42-19-2(2))" delete ",".
Page 6, line 5, after "IC 16-42-19-2(2))" delete ",".
Page 6, line 25, after "IC 16-42-19-2(2))" delete ",".
Page 7, line 2, after "IC 16-42-19-2(2))" delete ",".
Page 7, line 20, after "IC 16-42-19-2(2))" delete ",".
Page 7, line 36, after "IC 16-42-19-2(2))" delete ",".
Page 8, line 8, after "IC 16-42-19-2(2))" delete ",".
Page 13, line 10, after "mixture" insert "**,**".
Page 14, delete line 9.
Page 14, line 10, delete "(5)" and insert "**(4)**".
Page 14, line 11, delete "(6)" and insert "**(5)**".
Page 14, line 12, delete "(7)" and insert "**(6)**".
Page 14, line 17, after "assault" delete ",".
Page 14, line 42, delete "this SECTION" and insert "**subsection (b)**".
Page 15, line 1, delete "tot he" and insert "**to the**".
Page 15, between lines 2 and 3, begin a new paragraph and insert:
"**(d) The Indiana commission for higher education shall compile the reports received under subsection (c) into a final report and distribute the final report to the governor, the members of the general assembly, and the Indiana criminal justice institute before December 1, 1998.**".
Page 15, line 3, before "This" insert: "**(e)**".

and when so amended that said bill do pass.

(Reference is to Senate Bill 355 as reprinted February 3, 1998.)

C. BROWN, Chair

Committee Vote: yeas 13, nays 0.

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