



**CONFERENCE COMMITTEE REPORT
DIGEST FOR SB 355**

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

Synopsis: Sex and substance abuse crimes. Conference committee report for ESB 355. 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 or a controlled substance or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge. 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 the commission for higher education to prepare 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. (This conference committee report enhances the penalty for various sex offenses whenever the person who commits the offense knows that the victim was furnished with a drug or controlled substance without the victim's knowledge in order to facilitate the offense. Removes provisions that specify situations in which a prosecuting attorney may prosecute a carrier of certain infectious diseases. Requires state institutions of higher education to provide certain information concerning sex crimes and sex crime prevention to the Indiana criminal justice institute. Requires that reports containing this information must be distributed to the governor and the legislative council.)

Effective: July 1, 1998.



Adopted	Rejected
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CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 355 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, delete lines 1 through 16.
- 2 Page 2, delete lines 1 through 12.
- 3 Page 2, line 13, delete "P.L. 210-1997," and insert
- 4 "HEA1011-1998,".
- 5 Page 2, line 14, delete "SECTION 1,".
- 6 Page 2, line 27, "IC 34-4-5.1;" and insert "IC 34-26-2 (or
- 7 IC 34-4-5.1 before its repeal);".
- 8 Page 5, line 36, delete "IC 16-42-19-2(2)" and insert "**IC**
- 9 **16-42-19-2(1)**".
- 10 Page 5, line 37, before "." insert "**or knowing that the victim was**
- 11 **furnished with the drug or controlled substance without the**
- 12 **victim's knowledge**".
- 13 Page 6, line 14, delete "IC 16-42-19-2(2)" and insert "**IC**
- 14 **16-42-19-2(1)**".
- 15 Page 6, line 15, before "." insert "**or knowing that the victim was**
- 16 **furnished with the drug or controlled substance without the**
- 17 **victim's knowledge**".
- 18 Page 6, line 29, delete "IC 16-42-19-(2)" and insert "**IC**
- 19 **16-42-19-2(1)**".
- 20 Page 6, line 30, before "." insert "**or knowing that the victim was**
- 21 **furnished with the drug or controlled substance without the**
- 22 **victim's knowledge**".
- 23 Page 6, line 41, delete "IC 16-42-19-2(2)" and insert "**IC**

- 1 **16-42-19-2(1)**.
 2 Page 6, line 42, before "." insert "**or knowing that the victim was**
 3 **furnished with the drug or controlled substance without the**
 4 **victim's knowledge**".
 5 Page 7, line 19, delete "IC 16-42-19-2(2)" and insert "**IC**
 6 **16-42-19-2(1)**".
 7 Page 7, line 20, before ";" insert "**or knowing that the victim was**
 8 **furnished with the drug or controlled substance without the**
 9 **victim's knowledge**".
 10 Page 7, line 38, delete "IC 16-42-19-2(2)" and insert "**IC**
 11 **16-42-19-2(1)**".
 12 Page 7, line 39, before "." insert "**or knowing that the victim was**
 13 **furnished with the drug or controlled substance without the**
 14 **victim's knowledge**".
 15 Page 8, line 14, delete "IC 16-42-19-2(2)" and insert "**IC**
 16 **16-42-19-2(1)**".
 17 Page 8, line 15, before "." insert "**or knowing that the victim was**
 18 **furnished with the drug or controlled substance without the**
 19 **victim's knowledge**".
 20 Page 8, line 30, delete "IC 16-42-19-2(2)" and insert "**IC**
 21 **16-42-19-2(1)**".
 22 Page 8, line 31, before "." insert "**or knowing that the victim was**
 23 **furnished with the drug or controlled substance without the**
 24 **victim's knowledge**".
 25 Page 9, line 2, delete "IC 16-42-19-2(2)" and insert "**IC**
 26 **16-42-19-2(1)**".
 27 Page 9, line 3, before "." insert "**or knowing that the victim was**
 28 **furnished with the drug or controlled substance without the**
 29 **victim's knowledge**".
 30 Page 15, line 7, delete "commission for higher education" and
 31 insert "**criminal justice institute**".
 32 Page 15, line 8, before "campus" insert "**residential**".
 33 Page 15, line 36, delete "commission for higher education" and
 34 insert "**criminal justice institute**".
 35 Page 15, line 38, delete "commission for higher education" and
 36 insert "**criminal justice institute**".
 37 Page 15, line 40, delete "," and insert "**and**".
 38 Page 15, line 41, delete "general assembly" and insert "**legislative**
 39 **council**".
 40 Page 15, line 41, delete ", and the Indiana criminal justice
 41 institute".
 42 Renumber all SECTIONS consecutively
 (Reference is to ESB 355 as reprinted February 19, 1998.)

Conference Committee Report
on
Senate Bill 355

Signed by:

Senator Bray

Representative Kruzan

Senator Simpson

Representative Budak

Senate Conferees

House Conferees