

SENATE BILL No. 3

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-4-30.1-1.

Synopsis: Motor vehicle forfeiture. Allows a motor vehicle operated by a person to be seized and sold at public sale under certain circumstances if the person: (1) operated the motor vehicle with at least 0.10% of alcohol by weight in the person's blood or breath, with a schedule I or schedule II controlled substance in the person's body, or while intoxicated when the person had a previous conviction for operating a motor vehicle while intoxicated within the preceding five years; (2) caused serious bodily injury to another person while operating the motor vehicle, and the person had at least 0.10% of alcohol by weight in the person's blood or breath, had a schedule I or schedule II controlled substance in the person's body, or was intoxicated; (3) caused the death of another person while operating the motor vehicle, and the person had at least 0.10% of alcohol by weight in the person's blood or breath, had a schedule I or schedule II
(Continued next page)

Effective: July 1, 1998.

K. Adams

November 18, 1998, read first time and referred to Committee on Judiciary.



Digest Continued

controlled substance in the person's blood, or was intoxicated; (4) operated the vehicle while the person's driving privileges were suspended; (5) operated the motor vehicle in violation of the restrictions imposed under a hardship license; or (6) operated the motor vehicle after the person's driving privileges had been forfeited for life.



Introduced

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.

SENATE BILL No. 3

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

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-4-30.1-1, AS AMENDED BY P.L.2-1997,
2 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 1. (a) The following may be seized:
4 (1) All vehicles (as defined by IC 35-41-1), if they are used or are
5 intended for use by the person or persons in possession of them to
6 transport or in any manner to facilitate the transportation of the
7 following:
8 (A) A controlled substance for the purpose of committing,
9 attempting to commit, or conspiring to commit any of the
10 following:
11 (i) Dealing in cocaine or narcotic drug (IC 35-48-4-1).
12 (ii) Dealing in a schedule I, II, or III controlled substance
13 (IC 35-48-4-2).
14 (iii) Dealing in a schedule IV controlled substance
15 (IC 35-48-4-3).



- 1 (iv) Dealing in a schedule V controlled substance
 2 (IC 35-48-4-4).
 3 (v) Dealing in a counterfeit substance (IC 35-48-4-5).
 4 (vi) Possession of cocaine or narcotic drug (IC 35-48-4-6).
 5 (vii) Dealing in paraphernalia (IC 35-48-4-8.5).
 6 (viii) Dealing in marijuana, hash oil, or hashish
 7 (IC 35-48-4-10).
 8 (B) Any stolen (IC 35-43-4-2) or converted property
 9 (IC 35-43-4-3) if the retail or repurchase value of that property
 10 is one hundred dollars (\$100) or more.
 11 (C) Any hazardous waste in violation of ~~IC~~ IC 13-30-6-6.
 12 (2) All money, negotiable instruments, securities, weapons,
 13 communications devices, or any property commonly used as
 14 consideration for a violation of IC 35-48-4 (other than items subject
 15 to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its
 16 repeal):
 17 (A) furnished or intended to be furnished by any person in
 18 exchange for an act that is in violation of a criminal statute;
 19 (B) used to facilitate any violation of a criminal statute; or
 20 (C) traceable as proceeds of the violation of a criminal statute.
 21 (3) Any portion of real or personal property purchased with money
 22 that is traceable as a proceed of a violation of a criminal statute.
 23 (4) A vehicle that is used by a person to:
 24 (A) commit, attempt to commit, or conspire to commit;
 25 (B) facilitate the commission of; or
 26 (C) escape from the commission of;
 27 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
 28 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 29 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4).
 30 (5) Real property owned by a person who uses it to commit any of
 31 the following as a Class A felony, a Class B felony, or a Class C
 32 felony:
 33 (A) Dealing in cocaine or narcotic drug (IC 35-48-4-1).
 34 (B) Dealing in a schedule I, II, or III controlled substance
 35 (IC 35-48-4-2).
 36 (C) Dealing in a schedule IV controlled substance
 37 (IC 35-48-4-3).
 38 (D) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).
 39 (6) Equipment and recordings used by a person to commit fraud
 40 under IC 35-43-5-4(11).
 41 (7) Recordings sold, rented, transported, or possessed by a person
 42 in violation of IC 24-4-10.



1 (8) Property (as defined by IC 35-41-1-23) or an enterprise (as
2 defined by IC 35-45-6-1) that is the object of a corrupt business
3 influence violation (IC 35-45-6-2).

4 (9) Unlawful telecommunications devices (as defined in
5 IC 35-45-13-6) and plans, instructions, or publications used to
6 commit an offense under IC 35-45-13.

7 **(10) A vehicle that is used by a person while committing an**
8 **offense under any of the following:**

9 (A) IC 9-30-5-3.

10 (B) IC 9-30-5-4.

11 (C) IC 9-30-5-5.

12 (D) IC 9-30-10-16.

13 (E) IC 9-30-10-17.

14 (b) A vehicle used by any person as a common or contract carrier in
15 the transaction of business as a common or contract carrier is not subject
16 to seizure under this section, unless it can be proven by a preponderance
17 of the evidence that the owner of the vehicle knowingly permitted the
18 vehicle to be used to engage in conduct that subjects it to seizure under
19 subsection (a).

20 (c) Money, negotiable instruments, securities, weapons,
21 communications devices, or any property commonly used as consideration
22 for a violation of IC 35-48-4 found near or on a person who is
23 committing, attempting to commit, or conspiring to commit any of the
24 following offenses shall be admitted into evidence in an action under this
25 chapter as prima facie evidence that the money, negotiable instrument,
26 security, or other thing of value is property that has been used or was to
27 have been used to facilitate the violation of a criminal statute or is the
28 proceeds of the violation of a criminal statute:

29 (1) IC 35-48-4-1 (dealing in cocaine or narcotic drug).

30 (2) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
31 substance).

32 (3) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

33 (4) IC 35-48-4-4 (dealing in a schedule V controlled substance) as
34 a Class B felony.

35 (5) IC 35-48-4-6 (possession of cocaine or narcotic drug) as a Class
36 A felony, Class B felony, or Class C felony.

37 (6) IC 35-48-4-10 (dealing in marijuana, hash oil, or hashish) as a
38 Class C felony.

39 **SECTION 2. [EFFECTIVE JULY 1, 1998] This act applies to**
40 **crimes committed after June 30, 1998.**

