

January 23, 1998

SENATE BILL No. 73

DIGEST OF SB 73 (Updated January 22, 1998 12:56 pm - DI 84)

Citations Affected: IC 35-48-4-13; noncode.

Synopsis: Maintaining a Common Nuisance. Eliminates the need for a prosecuting attorney to prove that a common nuisance was used for an illegal purpose on more than one occasion.

Effective: July 1, 1998.

Wheeler

January 6, 1998, read first time and referred to Committee on Rules and Legislative Procedure.

January 22, 1998, amended, reported favorably; reassigned to Committee on Corrections, Criminal and Civil Procedures.

C
o
p
y

SB 73—LS 6510/DI 13+



January 23, 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.

C
O
P
Y

SENATE BILL No. 73

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 35-48-4-13 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. (a) A person who
3 knowingly or intentionally visits a building, structure, vehicle, or other
4 place that is used by any person to unlawfully use a controlled
5 substance commits visiting a common nuisance, a Class B
6 misdemeanor.
7 (b) A person who knowingly or intentionally maintains a building,
8 structure, vehicle, or other place that is used **one (1) or more times:**
9 (1) by persons to unlawfully use controlled substances; or
10 (2) for unlawfully:
11 (A) keeping;
12 (B) offering for sale;
13 (C) selling;
14 (D) delivering; or
15 (E) financing the delivery of;
16 controlled substances, or items of drug paraphernalia as described
17 in IC 35-48-4-8.5;

SB 73—LS 6510/DI 13+



1 commits maintaining a common nuisance, a Class D felony.
2 SECTION 2. [EFFECTIVE JULY 1, 1998] (a) IC 35-48-4-13, as
3 amended by this act, applies only to offenses committed after June
4 30, 1998.
5 (b) An offense committed under IC 35-48-4-13 before July 1,
6 1998, may be prosecuted and remains punishable as provided in
7 IC 35-48-4-13, as effective before July 1, 1998.

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 73, 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:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal, and Civil Procedures.

(Reference is to Senate Bill 73 as introduced.)

GARTON, Chairperson

C
O
P
Y

