

January 23, 1998

SENATE BILL No. 338

DIGEST OF SB0338 (Updated January 21, 1998 4:47 pm - DI 76)

Citations Affected: IC 9-30-5-1.

Synopsis: Tests for controlled substances. Specifies that a law enforcement agency may use a blood test or a urine test to determine whether a person operated a motor vehicle with a controlled substance in the person's blood.

Effective: July 1, 1998.

Waterman

January 8, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
January 22, 1998, reported favorably — Do Pass.

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SB 338—LS 6697/DI 51+



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.

SENATE BILL No. 338

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 9-30-5-1, AS AMENDED BY P.L.33-1997,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 1. (a) A person who operates a vehicle with at
4 least ten-hundredths percent (0.10%) of alcohol by weight in grams in:
5 (1) one hundred (100) milliliters of the person's blood; or
6 (2) two hundred ten (210) liters of the person's breath;
7 commits a Class C misdemeanor.
8 (b) A person who operates a vehicle with a controlled substance
9 listed in schedule I or II of IC 35-48-2 or its metabolite in the person's
10 body commits a Class C misdemeanor.
11 (c) It is a defense to subsection (b) that the accused person
12 consumed the controlled substance under a valid prescription or order
13 of a practitioner (as defined in IC 35-48-1) who acted in the course of
14 the practitioner's professional practice.
15 (d) **A law enforcement agency may use a blood test or a urine**
16 **test to determine under subsection (b) whether a person operated**
17 **a vehicle with a controlled substance in the person's blood.**

SB 338—LS 6697/DI 51+



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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill 338, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 338 as introduced.)

MEEKS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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