

HOUSE BILL No. 1514

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-31-3-14.5; IC 25-1-1.1-3; IC 31-30-1-4; IC 34-24-1-1; IC 35-38-1-7.1; IC 35-42-1-1; IC 35-45-6-1; IC 35-46-1-8; IC 35-48-4; IC 35-50-2-2.

Synopsis: Methamphetamine. Provides that a person who: (1) knowingly or intentionally manufactures or delivers methamphetamine; or (2) possesses with intent to manufacture or deliver methamphetamine commits dealing in methamphetamine, a Class B felony. Makes the offense a Class A felony if: (1) the amount of the drug involved weighs three grams or more; (2) the person delivered the drug to a person under 18 years of age at least three years junior to the person; or (3) the person delivered the drug on a school bus or in, on, or within 1,000 feet of school property, a public park, or a family housing complex. Provides that a person who knowingly or intentionally: (1) purchases, rents, or otherwise procures chemicals,
(Continued next page)

Effective: July 1, 1999.

Yount, Sturtz

January 19, 1999, read first time and referred to Committee on Courts and Criminal Code.



C
O
P
Y

Digest Continued

supplies, equipment, or a laboratory location; or (2) sets up equipment or supplies with the intent to illegally manufacture methamphetamine commits illegal operation of a methamphetamine laboratory, a Class C felony. Adds the offense of dealing in methamphetamine to conform with other statutes that concern dealing in cocaine, narcotic drugs, and other controlled substances including: (1) specifying that a juvenile court does not have jurisdiction over a person for allegedly dealing in methamphetamine; (2) providing that if a person commits dealing in methamphetamine certain occupational and professional licenses and certifications held by the person and certain motor vehicle licenses and registrations held by the person may be revoked or suspended; and (3) providing that certain property used by the person to commit the offense may be seized.

C
o
p
y



Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

C
O
P
Y

HOUSE BILL No. 1514

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 16-31-3-14.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14.5. The commission
3 may permanently revoke a license or certificate under procedures
4 provided by section 14 of this chapter if the individual who holds the
5 license or certificate issued under this title is convicted of any of the
6 following:
- 7 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
 - 8 **(2) Dealing in methamphetamine under IC 35-48-4-1.5.**
 - 9 ~~(3)~~ (3) Dealing in a schedule I, II, or III controlled substance
10 under IC 35-48-4-2.
 - 11 ~~(4)~~ (4) Dealing in a schedule IV controlled substance under
12 IC 35-48-4-3.
 - 13 ~~(5)~~ (5) Dealing in a schedule V controlled substance under
14 IC 35-48-4-4.
 - 15 ~~(6)~~ (6) Dealing in a substance represented to be a controlled



- 1 substance under IC 35-48-4-4.5.
 2 ~~(6)~~ (7) Knowingly or intentionally manufacturing, advertising,
 3 distributing, or possessing with intent to manufacture, advertise,
 4 or distribute a substance represented to be a controlled substance
 5 under IC 35-48-4-4.6.
 6 ~~(7)~~ (8) Dealing in a counterfeit substance under IC 35-48-4-5.
 7 ~~(8)~~ (9) Dealing in marijuana, hash oil, or hashish under
 8 IC 35-48-4-10(b).
 9 ~~(9)~~ (10) Conspiracy under IC 35-41-5-2 to commit an offense
 10 listed in subdivisions (1) through ~~(8)~~: (9).
 11 ~~(10)~~ (11) Attempt under IC 35-41-5-1 to commit an offense listed
 12 in subdivisions (1) through ~~(8)~~: (9).
 13 ~~(11)~~ (12) A crime of violence (as defined in IC 35-50-1-2(a)).
 14 ~~(12)~~ (13) An offense in any other jurisdiction in which the
 15 elements of the offense for which the conviction was entered are
 16 substantially similar to the elements of an offense described under
 17 subdivisions (1) through ~~(11)~~: (12).
 18 SECTION 2. IC 25-1-1.1-3 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. A board, a
 20 commission, or a committee shall revoke or suspend a license or
 21 certificate issued under this title by the board, the commission, or the
 22 committee if the individual who holds the license or certificate is
 23 convicted of any of the following:
 24 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
 25 **(2) Dealing in methamphetamine under IC 35-48-4-1.5.**
 26 ~~(2)~~ (3) Dealing in a schedule I, II, or III controlled substance
 27 under IC 35-48-4-2.
 28 ~~(3)~~ (4) Dealing in a schedule IV controlled substance under
 29 IC 35-48-4-3.
 30 ~~(4)~~ (5) Dealing in a schedule V controlled substance under
 31 IC 35-48-4-4.
 32 ~~(5)~~ (6) Dealing in a substance represented to be a controlled
 33 substance under IC 35-48-4-4.5.
 34 ~~(6)~~ (7) Knowingly or intentionally manufacturing, advertising,
 35 distributing, or possessing with intent to manufacture, advertise,
 36 or distribute a substance represented to be a controlled substance
 37 under IC 35-48-4-4.6.
 38 ~~(7)~~ (8) Dealing in a counterfeit substance under IC 35-48-4-5.
 39 ~~(8)~~ (9) Dealing in marijuana, hash oil, or hashish under
 40 IC 35-48-4-10(b).
 41 ~~(9)~~ (10) Conspiracy under IC 35-41-5-2 to commit an offense
 42 listed in subdivisions (1) through ~~(8)~~: (9).



C
O
P
Y

1 ~~(10)~~ **(11)** Attempt under IC 35-41-5-1 to commit an offense listed
2 in subdivisions (1) through ~~(8)~~; **(9)**.

3 ~~(11)~~ **(12)** An offense in any other jurisdiction in which the
4 elements of the offense for which the conviction was entered are
5 substantially similar to the elements of an offense described under
6 subdivisions (1) through ~~(10)~~; **(11)**.

7 ~~(12)~~ **(13)** A violation of any federal or state drug law or rule
8 related to wholesale legend drug distributors licensed under
9 IC 25-26-14.

10 SECTION 3. IC 31-30-1-4 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The juvenile
12 court does not have jurisdiction over an individual for an alleged
13 violation of:

14 (1) IC 35-42-1-1 (murder);

15 (2) IC 35-42-3-2 (kidnapping);

16 (3) IC 35-42-4-1 (rape);

17 (4) IC 35-42-4-2 (criminal deviate conduct);

18 (5) IC 35-42-5-1 (robbery) if:

19 (A) the robbery was committed while armed with a deadly
20 weapon; or

21 (B) the robbery results in bodily injury or serious bodily
22 injury;

23 (6) IC 35-42-5-2 (carjacking);

24 (7) IC 35-45-9-3 (criminal gang activity);

25 (8) IC 35-45-9-4 (criminal gang intimidation);

26 (9) IC 35-47-2-1 (carrying a handgun without a license);

27 (10) IC 35-47-10 (children and firearms);

28 (11) IC 35-47-5-4.1 (dealing in a sawed-off shotgun);

29 (12) IC 35-48-4-1 (dealing in cocaine or a narcotic drug);

30 **(13) IC 35-48-4-1.5 (dealing in methamphetamine);**

31 ~~(13)~~ **(14)** IC 35-48-4-2 (dealing in a schedule I, II, or III
32 controlled substance);

33 ~~(14)~~ **(15)** IC 35-48-4-3 (dealing in a schedule IV controlled
34 substance); or

35 ~~(15)~~ **(16)** any offense that may be joined under IC 35-34-1-9(a)(2)
36 with any crime listed in subdivisions (1) through ~~(14)~~; **(15)**;

37 if the individual was at least sixteen (16) years of age at the time of the
38 alleged violation.

39 (b) Once an individual described in subsection (a) has been charged
40 with any crime listed in subsection (a)(1) through ~~(a)(15)~~; **(a)(16)**, the
41 court having adult criminal jurisdiction shall retain jurisdiction over the
42 case even if the individual pleads guilty to or is convicted of a lesser



C
O
P
Y

1 included offense. A plea of guilty to or a conviction of a lesser included
2 offense does not vest jurisdiction in the juvenile court.

3 SECTION 4. IC 34-24-1-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The following
5 may be seized:

6 (1) All vehicles (as defined by IC 35-41-1), if they are used or are
7 intended for use by the person or persons in possession of them to
8 transport or in any manner to facilitate the transportation of the
9 following:

10 (A) A controlled substance for the purpose of committing,
11 attempting to commit, or conspiring to commit any of the
12 following:

13 (i) Dealing in cocaine or narcotic drug (IC 35-48-4-1).

14 **(ii) Dealing in methamphetamine (IC 35-48-4-1.5).**

15 ~~(ii)~~ **(iii)** Dealing in a schedule I, II, or III controlled
16 substance (IC 35-48-4-2).

17 ~~(iii)~~ **(iv)** Dealing in a schedule IV controlled substance
18 (IC 35-48-4-3).

19 ~~(iv)~~ **(v)** Dealing in a schedule V controlled substance
20 (IC 35-48-4-4).

21 ~~(v)~~ **(vi)** Dealing in a counterfeit substance (IC 35-48-4-5).

22 ~~(vi)~~ **(vii)** Possession of cocaine or narcotic drug
23 (IC 35-48-4-6).

24 ~~(vii)~~ **(viii)** Dealing in paraphernalia (IC 35-48-4-8.5).

25 ~~(viii)~~ **(ix)** Dealing in marijuana, hash oil, or hashish
26 (IC 35-48-4-10).

27 (B) Any stolen (IC 35-43-4-2) or converted property
28 (IC 35-43-4-3) if the retail or repurchase value of that property
29 is one hundred dollars (\$100) or more.

30 (C) Any hazardous waste in violation of IC 13-30-6-6.

31 (2) All money, negotiable instruments, securities, weapons,
32 communications devices, or any property commonly used as
33 consideration for a violation of IC 35-48-4 (other than items
34 subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1
35 before its repeal):

36 (A) furnished or intended to be furnished by any person in
37 exchange for an act that is in violation of a criminal statute;

38 (B) used to facilitate any violation of a criminal statute; or

39 (C) traceable as proceeds of the violation of a criminal statute.

40 (3) Any portion of real or personal property purchased with
41 money that is traceable as a proceed of a violation of a criminal
42 statute.



C
O
P
Y

- 1 (4) A vehicle that is used by a person to:
 2 (A) commit, attempt to commit, or conspire to commit;
 3 (B) facilitate the commission of; or
 4 (C) escape from the commission of;
 5 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
 6 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 7 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4).
 8 (5) Real property owned by a person who uses it to commit any of
 9 the following as a Class A felony, a Class B felony, or a Class C
 10 felony:
 11 (A) Dealing in cocaine or narcotic drug (IC 35-48-4-1).
 12 **(B) Dealing in methamphetamine (IC 35-48-4-1.5).**
 13 ~~(B)~~ (C) Dealing in a schedule I, II, or III controlled substance
 14 (IC 35-48-4-2).
 15 ~~(C)~~ (D) Dealing in a schedule IV controlled substance
 16 (IC 35-48-4-3).
 17 ~~(D)~~ (E) Dealing in marijuana, hash oil, or hashish
 18 (IC 35-48-4-10).
 19 (6) Equipment and recordings used by a person to commit fraud
 20 under IC 35-43-5-4(11).
 21 (7) Recordings sold, rented, transported, or possessed by a person
 22 in violation of IC 24-4-10.
 23 (8) Property (as defined by IC 35-41-1-23) or an enterprise (as
 24 defined by IC 35-45-6-1) that is the object of a corrupt business
 25 influence violation (IC 35-45-6-2).
 26 (9) Unlawful telecommunications devices (as defined in
 27 IC 35-45-13-6) and plans, instructions, or publications used to
 28 commit an offense under IC 35-45-13.
 29 (b) A vehicle used by any person as a common or contract carrier in
 30 the transaction of business as a common or contract carrier is not
 31 subject to seizure under this section, unless it can be proven by a
 32 preponderance of the evidence that the owner of the vehicle knowingly
 33 permitted the vehicle to be used to engage in conduct that subjects it to
 34 seizure under subsection (a).
 35 (c) Money, negotiable instruments, securities, weapons,
 36 communications devices, or any property commonly used as
 37 consideration for a violation of IC 35-48-4 found near or on a person
 38 who is committing, attempting to commit, or conspiring to commit any
 39 of the following offenses shall be admitted into evidence in an action
 40 under this chapter as prima facie evidence that the money, negotiable
 41 instrument, security, or other thing of value is property that has been
 42 used or was to have been used to facilitate the violation of a criminal

C
O
P
Y

1 statute or is the proceeds of the violation of a criminal statute:

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

3 **(2) IC 35-48-4-1.5 (dealing in methamphetamine).**

4 ~~(2)~~ (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
5 substance).

6 ~~(3)~~ (4) IC 35-48-4-3 (dealing in a schedule IV controlled
7 substance).

8 ~~(4)~~ (5) IC 35-48-4-4 (dealing in a schedule V controlled
9 substance) as a Class B felony.

10 ~~(5)~~ (6) IC 35-48-4-6 (possession of cocaine or narcotic drug) as
11 a Class A felony, Class B felony, or Class C felony.

12 ~~(6)~~ (7) IC 35-48-4-10 (dealing in marijuana, hash oil, or hashish)
13 as a Class C felony.

14 SECTION 5. IC 35-38-1-7.1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7.1. (a) In determining
16 what sentence to impose for a crime, the court shall consider:

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

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

19 (3) the person's:

20 (A) prior criminal record;

21 (B) character; and

22 (C) condition;

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

25 (5) whether the person violated a protective order issued against
26 the person under IC 31-15 or IC 31-16 (or IC 31-1-11.5 before its
27 repeal) or IC 34-26-2 (or IC 34-4-5.1 before its repeal); and

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

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

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

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

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

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

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



C
O
P
Y

- 1 (6) The victim of the crime was mentally or physically infirm.
2 (7) The person committed a forcible felony while wearing a
3 garment designed to resist the penetration of a bullet.
4 (8) The person committed a sex crime listed in subsection (e) and:
5 (A) the crime created an epidemiologically demonstrated risk
6 of transmission of the human immunodeficiency virus (HIV)
7 and involved the sex organ of one (1) person and the mouth,
8 anus, or sex organ of another person;
9 (B) the person had knowledge that the person was a carrier of
10 HIV; and
11 (C) the person had received risk counseling as described in
12 subsection (g).
13 (9) The person committed an offense related to controlled
14 substances listed in subsection (f) if:
15 (A) the offense involved:
16 (i) the delivery by any person to another person; or
17 (ii) the use by any person on another person;
18 of a contaminated sharp (as defined in IC 16-41-16-2) or other
19 paraphernalia that creates an epidemiologically demonstrated
20 risk of transmission of HIV by involving percutaneous contact;
21 (B) the person had knowledge that the person was a carrier of
22 the human immunodeficiency virus (HIV); and
23 (C) the person had received risk counseling as described in
24 subsection (g).
25 (10) The person committed the offense in an area of a
26 consolidated or second class city that is designated as a public
27 safety improvement area by the Indiana criminal justice institute
28 under IC 36-8-19.5.
29 (11) The injury to or death of the victim of the crime was the
30 result of shaken baby syndrome (as defined in IC 16-41-40-2).
31 (12) Before the commission of the crime, the person administered
32 to the victim of the crime, without the victim's knowledge, a
33 sedating drug or a drug that had a hypnotic effect on the victim,
34 or the person had knowledge that such a drug had been
35 administered to the victim without the victim's knowledge.
36 (c) The court may consider the following factors as mitigating
37 circumstances or as favoring suspending the sentence and imposing
38 probation:
39 (1) The crime neither caused nor threatened serious harm to
40 persons or property, or the person did not contemplate that it
41 would do so.
42 (2) The crime was the result of circumstances unlikely to recur.

C
O
P
Y

- 1 (3) The victim of the crime induced or facilitated the offense.
 2 (4) There are substantial grounds tending to excuse or justify the
 3 crime, though failing to establish a defense.
 4 (5) The person acted under strong provocation.
 5 (6) The person has no history of delinquency or criminal activity,
 6 or the person has led a law-abiding life for a substantial period
 7 before commission of the crime.
 8 (7) The person is likely to respond affirmatively to probation or
 9 short term imprisonment.
 10 (8) The character and attitudes of the person indicate that the
 11 person is unlikely to commit another crime.
 12 (9) The person has made or will make restitution to the victim of
 13 the crime for the injury, damage, or loss sustained.
 14 (10) Imprisonment of the person will result in undue hardship to
 15 the person or the dependents of the person.
 16 (11) The person was convicted of a crime involving the use of
 17 force against a person who had repeatedly inflicted physical or
 18 sexual abuse upon the convicted person and evidence shows that
 19 the convicted person suffered from the effects of battery as a
 20 result of the past course of conduct of the individual who is the
 21 victim of the crime for which the person was convicted.
 22 (d) The criteria listed in subsections (b) and (c) do not limit the
 23 matters that the court may consider in determining the sentence.
 24 (e) For the purposes of this article, the following crimes are
 25 considered sex crimes:
 26 (1) Rape (IC 35-42-4-1).
 27 (2) Criminal deviate conduct (IC 35-42-4-2).
 28 (3) Child molesting (IC 35-42-4-3).
 29 (4) Child seduction (IC 35-42-4-7).
 30 (5) Prostitution (IC 35-45-4-2).
 31 (6) Patronizing a prostitute (IC 35-45-4-3).
 32 (7) Incest (IC 35-46-1-3).
 33 (8) Sexual misconduct with a minor under IC 35-42-4-9(a).
 34 (f) For the purposes of this article, the following crimes are
 35 considered offenses related to controlled substances:
 36 (1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
 37 **(2) Dealing in methamphetamine (IC 35-48-4-1.5).**
 38 ~~(2)~~ **(3)** Dealing in a schedule I, II, or III controlled substance
 39 (IC 35-48-4-2).
 40 ~~(3)~~ **(4)** Dealing in a schedule IV controlled substance
 41 (IC 35-48-4-3).
 42 ~~(4)~~ **(5)** Dealing in a schedule V controlled substance



C
O
P
Y

- 1 (IC 35-48-4-4).
 2 ~~(5)~~ (6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
 3 ~~(6)~~ (7) Possession of a controlled substance (IC 35-48-4-7).
 4 ~~(7)~~ (8) Dealing in paraphernalia (IC 35-48-4-8.5).
 5 ~~(8)~~ (9) Possession of paraphernalia (IC 35-48-4-8.3).
 6 ~~(9)~~ (10) Offenses relating to registration (IC 35-48-4-14).
 7 (g) For the purposes of this section, a person received risk
 8 counseling if the person had been:
 9 (1) notified in person or in writing that tests have confirmed the
 10 presence of antibodies to the human immunodeficiency virus
 11 (HIV) in the person's blood; and
 12 (2) warned of the behavior that can transmit HIV.
 13 SECTION 6. IC 35-42-1-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. A person who:
 15 (1) knowingly or intentionally kills another human being;
 16 (2) kills another human being while committing or attempting to
 17 commit arson, burglary, child molesting, consumer product
 18 tampering, criminal deviate conduct, kidnapping, rape, robbery,
 19 or carjacking;
 20 (3) kills another human being while committing or attempting to
 21 commit:
 22 (A) dealing in cocaine or a narcotic drug (IC 35-48-4-1);
 23 **(B) dealing in methamphetamine (IC 35-48-4-1.5);**
 24 ~~(B)~~ (C) dealing in a schedule I, II, or III controlled substance
 25 (IC 35-48-4-2);
 26 ~~(C)~~ (D) dealing in a schedule IV controlled substance
 27 (IC 35-48-4-3); or
 28 ~~(D)~~ (E) dealing in a schedule V controlled substance; or
 29 (4) knowingly or intentionally kills a fetus that has attained
 30 viability (as defined in IC 16-18-2-365);
 31 commits murder, a felony.
 32 SECTION 7. IC 35-45-6-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
 34 chapter:
 35 "Documentary material" means any document, drawing, photograph,
 36 recording, or other tangible item containing compiled data from which
 37 information can be either obtained or translated into a usable form.
 38 "Enterprise" means:
 39 (1) a sole proprietorship, corporation, limited liability company,
 40 partnership, business trust, or governmental entity; or
 41 (2) a union, an association, or a group, whether a legal entity or
 42 merely associated in fact.

C
O
P
Y

1 "Pattern of racketeering activity" means engaging in at least two (2)
 2 incidents of racketeering activity that have the same or similar intent,
 3 result, accomplice, victim, or method of commission, or that are
 4 otherwise interrelated by distinguishing characteristics that are not
 5 isolated incidents. However, the incidents are a pattern of racketeering
 6 activity only if at least one (1) of the incidents occurred after August
 7 31, 1980, and if the last of the incidents occurred within five (5) years
 8 after a prior incident of racketeering activity.

9 "Racketeering activity" means to commit, to attempt to commit, to
 10 conspire to commit a violation of, or aiding and abetting in a violation
 11 of any of the following:

- 12 (1) A provision of IC 23-2-1, or of a rule or order issued under
 13 IC 23-2-1.
- 14 (2) A violation of IC 35-45-9.
- 15 (3) A violation of IC 35-47.
- 16 (4) A violation of IC 35-49-3.
- 17 (5) Murder (IC 35-42-1-1).
- 18 (6) Battery as a Class C felony (IC 35-42-2-1).
- 19 (7) Kidnapping (IC 35-42-3-2).
- 20 (8) Child exploitation (IC 35-42-4-4).
- 21 (9) Robbery (IC 35-42-5-1).
- 22 (10) Carjacking (IC 35-42-5-2).
- 23 (11) Arson (IC 35-43-1-1).
- 24 (12) Burglary (IC 35-43-2-1).
- 25 (13) Theft (IC 35-43-4-2).
- 26 (14) Receiving stolen property (IC 35-43-4-2).
- 27 (15) Forgery (IC 35-43-5-2).
- 28 (16) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(9)).
- 29 (17) Bribery (IC 35-44-1-1).
- 30 (18) Official misconduct (IC 35-44-1-2).
- 31 (19) Conflict of interest (IC 35-44-1-3).
- 32 (20) Perjury (IC 35-44-2-1).
- 33 (21) Obstruction of justice (IC 35-44-3-4).
- 34 (22) Intimidation (IC 35-45-2-1).
- 35 (23) Promoting prostitution (IC 35-45-4-4).
- 36 (24) Promoting professional gambling (IC 35-45-5-4).
- 37 (25) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- 38 **(26) Dealing in methamphetamine (IC 35-48-4-1.5).**
- 39 ~~(26)~~ **(27)** Dealing in a schedule I, II, or III controlled substance
 40 (IC 35-48-4-2).
- 41 ~~(27)~~ **(28)** Dealing in a schedule IV controlled substance
 42 (IC 35-48-4-3).

C
O
P
Y



- 1 ~~(28)~~ **(29)** Dealing in a schedule V controlled substance
 2 (IC 35-48-4-4).
 3 ~~(29)~~ **(30)** Dealing in marijuana, hash oil, or hashish
 4 (IC 35-48-4-10).
 5 ~~(30)~~ **(31)** Money laundering (IC 35-45-15-5).

6 SECTION 8. IC 35-46-1-8 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. A person eighteen
 8 (18) years of age or older who knowingly or intentionally encourages,
 9 aids, induces, or causes a person under eighteen (18) years of age to
 10 commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2)
 11 commits contributing to delinquency, a Class A misdemeanor.
 12 However, the offense is a Class C felony if the person knowingly or
 13 intentionally encourages, aids, induces, or causes a person less than
 14 eighteen (18) years of age to commit an act that would be a felony if
 15 committed by an adult under:

- 16 (1) IC 35-48-4-1;
 17 **(2) IC 35-48-4-1.5;**
 18 ~~(2)~~ **(3)** IC 35-48-4-2;
 19 ~~(3)~~ **(4)** IC 35-48-4-3;
 20 ~~(4)~~ **(5)** IC 35-48-4-4;
 21 ~~(5)~~ **(6)** IC 35-48-4-4.5;
 22 ~~(6)~~ **(7)** IC 35-48-4-4.6; or
 23 ~~(7)~~ **(8)** IC 35-48-4-5.

24 SECTION 9. IC 35-48-4-1.5 IS ADDED TO THE INDIANA CODE
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 1999]: **Sec. 1.5. (a) A person who:**

- 27 **(1) knowingly or intentionally:**
 28 **(A) manufactures;**
 29 **(B) finances the manufacture of;**
 30 **(C) delivers; or**
 31 **(D) finances the delivery of;**
 32 **methamphetamine, pure or adulterated; or**
 33 **(2) possesses, with intent to:**
 34 **(A) manufacture;**
 35 **(B) finance the manufacture of;**
 36 **(C) deliver; or**
 37 **(D) finance the delivery of;**
 38 **methamphetamine, pure or adulterated;**
 39 **commits dealing in methamphetamine, a Class B felony, except as**
 40 **provided in subsection (b).**
 41 **(b) The offense is a Class A felony if:**
 42 **(1) the amount of the drug involved weighs three (3) grams or**



C
O
P
Y

1 more;

2 (2) the person:

3 (A) delivered; or

4 (B) financed the delivery of;

5 the drug to a person less than eighteen (18) years of age at
6 least three (3) years junior to the person; or

7 (3) the person delivered or financed the delivery of the drug:

8 (A) on a school bus; or

9 (B) in, on, or within one thousand (1,000) feet of:

10 (i) school property;

11 (ii) a public park; or

12 (iii) a family housing complex.

13 SECTION 10. IC 35-48-4-15 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) If a person is
15 convicted of an offense under section 1, **1.5**, 2, 3, 4, 5, 6, 7, 10, or 11
16 of this chapter, or conspiracy to commit an offense under section 1, **1.5**,
17 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, the court shall, in addition to
18 any other order the court enters, order that the person's:

19 (1) operator's license be suspended;

20 (2) existing motor vehicle registrations be suspended; and

21 (3) ability to register motor vehicles be suspended;

22 by the bureau of motor vehicles for a period specified by the court of
23 at least six (6) months but not more than two (2) years.

24 (b) If a person is convicted of an offense described in subsection (a)
25 and the person does not hold an operator's license or a learner's permit,
26 the court shall order that the person may not receive an operator's
27 license or a learner's permit from the bureau of motor vehicles for a
28 period of not less than six (6) months.

29 SECTION 11. IC 35-48-4-16 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 1999]: **Sec. 16. A person who knowingly or**
32 **intentionally:**

33 (1) purchases, rents, or otherwise procures chemicals,
34 supplies, equipment, or a laboratory location; or

35 (2) sets up equipment or supplies;

36 **with the intent to illegally manufacture methamphetamine commits**
37 **illegal operation of a methamphetamine laboratory, a Class C**
38 **felony.**

39 SECTION 12. IC 35-50-2-2 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court may
41 suspend any part of a sentence for a felony, except as provided in this
42 section or in section 2.1 of this chapter.



C
O
P
Y

1 (b) With respect to the crimes listed in this subsection, the court
 2 may suspend only that part of the sentence that is in excess of the
 3 minimum sentence:

4 (1) The crime committed was a Class A or Class B felony and the
 5 person has a prior unrelated felony conviction.

6 (2) The crime committed was a Class C felony and less than seven
 7 (7) years have elapsed between the date the person was
 8 discharged from probation, imprisonment, or parole, whichever
 9 is later, for a prior unrelated felony conviction and the date the
 10 person committed the Class C felony for which the person is
 11 being sentenced.

12 (3) The crime committed was a Class D felony and less than three
 13 (3) years have elapsed between the date the person was
 14 discharged from probation, imprisonment, or parole, whichever
 15 is later, for a prior unrelated felony conviction and the date the
 16 person committed the Class D felony for which the person is
 17 being sentenced. However, the court may suspend the minimum
 18 sentence for the crime only if the court orders home detention
 19 under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum
 20 sentence specified for the crime under this chapter.

21 (4) The felony committed was:

22 (A) murder (IC 35-42-1-1);

23 (B) battery (IC 35-42-2-1) with a deadly weapon;

24 (C) sexual battery (IC 35-42-4-8) with a deadly weapon;

25 (D) kidnapping (IC 35-42-3-2);

26 (E) confinement (IC 35-42-3-3) with a deadly weapon;

27 (F) rape (IC 35-42-4-1) as a Class A felony;

28 (G) criminal deviate conduct (IC 35-42-4-2) as a Class A
 29 felony;

30 (H) child molesting (IC 35-42-4-3) as a Class A or Class B
 31 felony;

32 (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or
 33 with a deadly weapon;

34 (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily
 35 injury;

36 (K) burglary (IC 35-43-2-1) resulting in serious bodily injury
 37 or with a deadly weapon;

38 (L) resisting law enforcement (IC 35-44-3-3) with a deadly
 39 weapon;

40 (M) escape (IC 35-44-3-5) with a deadly weapon;

41 (N) rioting (IC 35-45-1-2) with a deadly weapon;

42 (O) dealing in cocaine or a narcotic drug (IC 35-48-4-1) as a

C
O
P
Y



- 1 Class A felony;
 2 **(P) dealing in methamphetamine (IC 35-48-4-1.5) as a**
 3 **Class A felony;**
 4 ~~(P)~~ **(Q)** dealing in a schedule I, II, or III controlled substance
 5 (IC 35-48-4-2) if the amount of controlled substance involved
 6 has an aggregate weight of three (3) grams or more;
 7 ~~(Q)~~ **(R)** an offense under IC 9-30-5 (operating a vehicle while
 8 intoxicated) and the person who committed the offense has
 9 accumulated at least two (2) prior unrelated convictions under
 10 IC 9-30-5; or
 11 ~~(R)~~ **(S)** aggravated battery (IC 35-42-2-1.5).
 12 (c) Except as provided in subsection (e), whenever the court
 13 suspends a sentence for a felony, it shall place the person on probation
 14 under IC 35-38-2 for a fixed period to end not later than the date that
 15 the maximum sentence that may be imposed for the felony will expire.
 16 (d) The minimum sentence for a person convicted of voluntary
 17 manslaughter may not be suspended unless the court finds at the
 18 sentencing hearing that the crime was not committed by means of a
 19 deadly weapon.
 20 (e) Whenever the court suspends that part of an offender's (as
 21 defined in IC 5-2-12-4) sentence that is suspendible under subsection
 22 (b), the court shall place the offender on probation under IC 35-38-2 for
 23 not more than ten (10) years.
 24 (f) An additional term of imprisonment imposed under
 25 IC 35-50-2-11 may not be suspended.
 26 (g) A term of imprisonment imposed under IC 35-47-10-6 or
 27 IC 35-47-10-7 may not be suspended if the commission of the offense
 28 was knowing or intentional.

C
O
P
Y