



February 23, 2007

SENATE BILL No. 520

DIGEST OF SB 520 (Updated February 21, 2007 2:51 pm - DI 106)

Citations Affected: IC 5-2; IC 10-11; IC 32-21; IC 32-31.

Synopsis: Registry of methamphetamine manufacturing sites. Requires law enforcement agencies that seize a methamphetamine laboratory to notify the criminal justice institute of the laboratory's location. Requires the criminal justice institute to operate a web site containing a list of properties that have been the site of a methamphetamine laboratory. Requires the criminal justice institute to remove a listed property from the web site two years after seizure of the property, and provides that records of listed properties that have been removed are confidential. Requires a property owner to disclose to a potential purchaser if the property for sale is listed on the web site. Permits a tenant to void a rental agreement if: (1) the rental property was the site of a methamphetamine laboratory within the previous two years; (2) the landlord has actual knowledge that the rental property was used as a methamphetamine laboratory; and (3) the landlord fails to disclose to the tenant that the rental property was the site of a methamphetamine laboratory.

Effective: July 1, 2007.

Young R Michael

January 23, 2007, read first time and referred to Committee on Judiciary.
February 22, 2007, amended, reported favorably — Do Pass.

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SB 520—LS 7610/DI 106+



February 23, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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SENATE BILL No. 520

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

- 1 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.173-2006,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 3. The institute is established to do the following:
4 (1) Evaluate state and local programs associated with:
5 (A) the prevention, detection, and solution of criminal
6 offenses;
7 (B) law enforcement; and
8 (C) the administration of criminal and juvenile justice.
9 (2) Improve and coordinate all aspects of law enforcement,
10 juvenile justice, and criminal justice in this state.
11 (3) Stimulate criminal and juvenile justice research.
12 (4) Develop new methods for the prevention and reduction of
13 crime.
14 (5) Prepare applications for funds under the Omnibus Act and the
15 Juvenile Justice Act.
16 (6) Administer victim and witness assistance funds.
17 (7) Administer the traffic safety functions assigned to the institute

SB 520—LS 7610/DI 106+



- 1 under IC 9-27-2.
- 2 (8) Compile and analyze information and disseminate the
- 3 information to persons who make criminal justice decisions in this
- 4 state.
- 5 (9) Serve as the criminal justice statistical analysis center for this
- 6 state.
- 7 (10) Identify grants and other funds that can be used by the
- 8 department of correction to carry out its responsibilities
- 9 concerning sex offender registration under IC 11-8-8.
- 10 (11) Administer the application and approval process for
- 11 designating an area of a consolidated or second class city as a
- 12 public safety improvement area under IC 36-8-19.5.
- 13 (12) Develop and maintain a meth watch program to inform
- 14 retailers and the public about illicit methamphetamine production,
- 15 distribution, and use in Indiana.
- 16 **(13) Establish, maintain, and operate, subject to specific**
- 17 **appropriation by the general assembly, a web site containing**
- 18 **a list of properties that have been used as the site of a**
- 19 **methamphetamine laboratory.**
- 20 SECTION 2. IC 5-2-6-19 IS ADDED TO THE INDIANA CODE
- 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 22 1, 2007]: **Sec. 19. (a) As used in this section, "institute" refers to the**
- 23 **Indiana criminal justice institute established by section 3 of this**
- 24 **chapter.**
- 25 **(b) Subject to specific appropriation by the general assembly,**
- 26 **the institute shall establish, maintain, and operate an Internet web**
- 27 **site containing a list of properties that have been used as the site of**
- 28 **a methamphetamine laboratory. The list of properties shall be**
- 29 **based on information received from a law enforcement agency**
- 30 **under IC 5-2-15-3 or credible information received from a law**
- 31 **enforcement agency of the United States.**
- 32 **(c) Subject to specific appropriation by the general assembly,**
- 33 **the institute shall publish the list of properties that have been used**
- 34 **as the site of a methamphetamine laboratory on a web site**
- 35 **maintained by the institute. The institute shall design the web site**
- 36 **to enable a user to easily determine whether a particular property**
- 37 **has been used as the site of a methamphetamine laboratory. The**
- 38 **web site shall be referred to as the "methamphetamine laboratory**
- 39 **web site".**
- 40 **(d) The institute shall remove a listed property from the web site**
- 41 **not more than two (2) years after the date the methamphetamine**
- 42 **laboratory was seized by a law enforcement agency.**

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1 **(e) Records concerning a listed property that has been removed**
2 **from the web site under subsection (d) are confidential.**

3 SECTION 3. IC 5-2-15-3, AS ADDED BY P.L.192-2005,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2007]: Sec. 3. A law enforcement agency that terminates the
6 operation of a methamphetamine laboratory shall report the existence
7 and location of the methamphetamine laboratory to:

- 8 (1) the state police department;
- 9 (2) the local fire department that serves the area in which the
10 methamphetamine laboratory is located; ~~and~~
- 11 (3) the county health department or, if applicable, multiple county
12 health department of the county in which the methamphetamine
13 laboratory is located; **and**

14 **(4) the Indiana criminal justice institute;**
15 on a form and in the manner prescribed by guidelines adopted by the
16 superintendent of the state police department under IC 10-11-2-31.

17 SECTION 4. IC 10-11-2-31, AS ADDED BY P.L.192-2005,
18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2007]: Sec. 31. (a) The superintendent shall adopt:

- 20 (1) guidelines; and
 - 21 (2) a reporting form or a specified electronic format, or both;
- 22 for the report of a methamphetamine laboratory by a law enforcement
23 agency under IC 5-2-15-3. **The superintendent may require the use**
24 **of the Indiana Clandestine Laboratory Seizure Report developed**
25 **by the United States Drug Enforcement Administration.**

26 (b) The guidelines adopted under this section must require a law
27 enforcement agency to report the existence of a methamphetamine
28 laboratory to:

- 29 (1) the department;
- 30 (2) the local fire department that serves the area in which the
31 methamphetamine laboratory is located; ~~and~~
- 32 (3) the county health department or, if applicable, multiple county
33 health department of the county in which the methamphetamine
34 laboratory is located; **and**

35 **(4) the Indiana criminal justice institute;**
36 on the form or in the specified electronic format adopted by the
37 superintendent.

- 38 (c) The guidelines adopted under this section:
- 39 (1) may incorporate a recommendation of the methamphetamine
40 abuse task force (IC 5-2-14) that the superintendent determines to
41 be relevant;
- 42 (2) may require the department to report the existence of the

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- 1 methamphetamine laboratory to one (1) or more additional
- 2 agencies or organizations;
- 3 (3) must require the department to maintain reports filed under
- 4 IC 5-2-15-3 in a manner permitting an accurate assessment of:
- 5 (A) the number of methamphetamine laboratories located in
- 6 Indiana in a specified period;
- 7 (B) the geographical dispersal of methamphetamine
- 8 laboratories located in Indiana in a specified period; and
- 9 (C) any other information that the superintendent determines
- 10 to be relevant; and
- 11 (4) must require a law enforcement agency to report any other
- 12 information that the superintendent determines to be relevant.

13 SECTION 5. IC 32-21-5-5.5 IS ADDED TO THE INDIANA CODE
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2007]: **Sec. 5.5. As used in this chapter, "methamphetamine
 16 laboratory web site" means the list of properties that have been
 17 used as the site of a methamphetamine laboratory that is published
 18 on the Internet web site maintained by the Indiana criminal justice
 19 institute under IC 5-2-6-19.**

20 SECTION 6. IC 32-21-5-7 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The Indiana real
 22 estate commission established by IC 25-34.1-2-1 shall adopt a specific
 23 disclosure form that contains the following:

- 24 (1) Disclosure by the owner of the known condition of the
- 25 following:
- 26 (A) The foundation.
- 27 (B) The mechanical systems.
- 28 (C) The roof.
- 29 (D) The structure.
- 30 (E) The water and sewer systems.
- 31 (F) Additions that may require improvements to the sewage
- 32 disposal system.
- 33 (G) Other areas that the Indiana real estate commission
- 34 determines are appropriate.
- 35 (2) A notice to the prospective buyer that contains substantially
- 36 the following language:
- 37 "The prospective buyer and the owner may wish to obtain
- 38 professional advice or inspections of the property and provide for
- 39 appropriate provisions in a contract between them concerning any
- 40 advice, inspections, defects, or warranties obtained on the
- 41 property."
- 42 (3) A notice to the prospective buyer that contains substantially

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the following language:
"The representations in this form are the representations of the owner and are not the representations of the agent, if any. This information is for disclosure only and is not intended to be a part of any contract between the buyer and owner."

(4) A disclosure by the owner that an airport is located within a geographical distance from the property as determined by the Indiana real estate commission. The commission may consider the differences between an airport serving commercial airlines and an airport that does not serve commercial airlines in determining the distance to be disclosed.

(5) A disclosure by the owner that the property is listed on the methamphetamine laboratory web site.

SECTION 7. IC 32-21-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The owner is not liable for any error, inaccuracy, or omission of any information required to be delivered to the prospective buyer under this chapter if:

- (1) the error, inaccuracy, or omission was not within the actual knowledge of the owner or was based on information provided by a public agency or by another person with a professional license or special knowledge who provided a written or oral report or opinion that the owner reasonably believed to be correct; and
- (2) the owner was not negligent in obtaining information from a third party and transmitting the information.

(b) With respect to a disclosure made under section 7(5) of this chapter, an owner is negligent if the owner fails to consult the methamphetamine laboratory web site.

SECTION 8. IC 32-31-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) **This section does not apply to the renewal of an existing rental agreement.**

(b) As used in this section, "methamphetamine laboratory web site" has the meaning set forth in IC 32-21-5-5.5.

(c) A tenant may void a rental agreement if the following conditions are met:

- (1) The rental property was the site of a methamphetamine laboratory not more than two (2) years before the tenant and the landlord entered into the rental agreement.
- (2) The landlord has actual knowledge that the rental property was the site of a methamphetamine laboratory.
- (3) The landlord failed to disclose to the tenant that the rental property was the site of a methamphetamine laboratory

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1 **before the tenant and the landlord entered into the rental**
2 **agreement.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 520, 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:

Page 2, line 16, after "operate" insert ", **subject to specific appropriation by the general assembly,**"

Page 2, line 24, delete "The" and insert "**Subject to specific appropriation by the general assembly, the**".

Page 2, line 30, delete "The" and insert "**Subject to specific appropriation by the general assembly, the**".

Page 5, line 31, delete "Before entering into a new rental agreement, a landlord shall" and insert "**A tenant may void a rental agreement if the following conditions are met:**

(1) **The rental property was the site of a methamphetamine laboratory not more than two (2) years before the tenant and the landlord entered into the rental agreement.**

(2) **The landlord has actual knowledge that the rental property was the site of a methamphetamine laboratory.**

(3) **The landlord failed to disclose to the tenant that the rental property was the site of a methamphetamine laboratory before the tenant and the landlord entered into the rental agreement."**

Page 5, delete lines 32 through 33.

and when so amended that said bill do pass.

(Reference is to SB 520 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 0.

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