HOUSE BILL No. 1338

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-48-4-1.1.

Synopsis: Methamphetamine production. Enhances the penalty for manufacturing methamphetamine to a Class A felony if: (1) the laboratory or chemicals used to manufacture the methamphetamine; or (2) waste from the manufacture of the methamphetamine; causes serious bodily injury or death to a person other than the defendant.

Effective: July 1, 2010.

Bell, Yarde, Pearson

January 13, 2010, read first time and referred to Committee on Courts and Criminal Code.

C o p y

Introduced

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

C o p y

HOUSE BILL No. 1338

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:

SECTION 1. IC 35-48-4-1.1, AS ADDED BY P.L.151-2006, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1.1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

methamphetamine, pure or adulterated; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

methamphetamine, pure or adulterated;

commits dealing in methamphetamine, a Class B felony, except as provided in subsection (b).

(b) The offense is a Class A felony if:

(1) the amount of the drug involved weighs three (3) grams or more;

(2) the person:

(A) delivered; or

(B) financed the delivery of;

the drug to a person under eighteen (18) years of age at least three (3) years junior to the person; ~~or~~

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

(A) on a school bus; or

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

(i) school property;

(ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center; **or**

(4) the:

(A) laboratory or chemicals used to manufacture the methamphetamine; or

(B) waste from the manufacture of the methamphetamine;

causes serious bodily injury or death to a person other than the defendant.

SECTION 2. [EFFECTIVE JULY 1, 2010] **IC 35-48-4-1.1, as amended by this act, applies only to crimes committed after June 30, 2010.**

C o p y