



January 11, 2012

HOUSE BILL No. 1091

DIGEST OF HB 1091 (Updated January 10, 2012 11:36 am - DI 77)

Citations Affected: IC 32-30; IC 35-33.

Synopsis: Agricultural operations. Provides that if a court finds that an agricultural operation that is the subject of a nuisance action was not a nuisance and that the nuisance action was frivolous, initiated maliciously, or groundless, the court shall award the expenses of litigation, including reasonable attorney's fees, to the defendant in the action. Allows an owner of real property that is used for agricultural purposes, who has probable cause to believe that a specific individual is manufacturing methamphetamine on the property, to detain the person.

Effective: July 1, 2012.

Friend, Lehe

January 9, 2012, read first time and referred to Committee on Agriculture and Rural Development.
January 11, 2012, amended, reported — Do Pass.

C
O
P
Y

HB 1091—LS 6306/DI 77+



January 11, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

C
O
P
Y

HOUSE BILL No. 1091

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

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

- 1 SECTION 1. IC 32-30-6-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2012]: **Sec. 9.5. If a court finds that an agricultural operation
4 that is the subject of a nuisance action was not a nuisance under
5 section 9 of this chapter and that the nuisance action was frivolous,
6 initiated maliciously, or groundless, the court shall award the
7 expenses of litigation, including reasonable attorney's fees, to the
8 defendant in the action.**
- 9 SECTION 2. IC 35-33-6-7 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2012]: **Sec. 7. (a) An owner of real property that is used for
12 agricultural purposes who has probable cause to believe that a
13 specific individual is manufacturing methamphetamine in violation
14 of IC 35-48-4-1.1 on the real property that is used for agricultural
15 purposes of the owner, may:**
- 16 (1) **detain the person and request the person to provide
17 identification;**

HB 1091—LS 6306/DI 77+



- 1 **(2) verify the identification;**
- 2 **(3) determine whether the person possesses at the time of**
- 3 **detention equipment to manufacture methamphetamine;**
- 4 **(4) confiscate any equipment related to the manufacture of**
- 5 **methamphetamine; and**
- 6 **(5) inform the appropriate law enforcement officer or agency**
- 7 **that the person is being detained.**
- 8 **(b) Detention under subsection (a):**
- 9 **(1) must:**
- 10 **(A) be reasonable; and**
- 11 **(B) last only for a reasonable time; and**
- 12 **(2) may not extend beyond the arrival of a law enforcement**
- 13 **officer or two (2) hours, whichever occurs first.**

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1091, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "court:" and insert "**court**".

Page 1, line 7, delete "(1)".

Page 1, line 7, run in lines 6 through 7.

Page 1, line 8, delete "attorney" and insert "**attorney's**".

Page 1, line 8, delete "action; and" and insert "**action.**".

Page 1, delete line 9.

and when so amended that said bill do pass.

(Reference is to HB 1091 as introduced.)

LEHE, Chair

Committee Vote: yeas 9, nays 3.

C
O
P
Y

