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# SENATE BILL No. 94

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-5-1.

**Synopsis:** Defines "public intoxication". Provides that a person may not be convicted of certain offenses relating to alcohol intoxication unless the person: (1) endangers the person's life or health; (2) endangers the life or health of another person; or (3) breaches the peace. Makes it a Class B misdemeanor for a person to be intoxicated in public due to the person's use of a controlled substance, unless the person consumed the controlled substance under a valid prescription.

**Effective:** July 1, 2012.

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January 4, 2012, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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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.

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# SENATE BILL No. 94



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 7.1-5-1-3 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a)** It is a Class B  
 3 misdemeanor for a person to be in a public place or a place of public  
 4 resort in a state of intoxication caused by the person's use of:  
 5 **(1)** alcohol, ~~or a controlled substance (as defined in~~  
 6 ~~IC 35-48-1-9)~~; **if the person:**  
 7 **(A) endangers the person's life or health;**  
 8 **(B) endangers the life or health of another person; or**  
 9 **(C) breaches the peace; or**  
 10 **(2) a controlled substance (as defined in IC 35-48-1-9).**  
 11 **(b) It is a defense to a prosecution under subsection (a)(2) that**  
 12 **the accused person consumed the controlled substance under a**  
 13 **valid prescription or order of a practitioner (as defined in**  
 14 **IC 35-48-1-24) who acted in the course of the practitioner's**  
 15 **professional practice.**  
 16 SECTION 2. IC 7.1-5-1-6 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a)** It is a Class B



1 misdemeanor for a person to be, or to become, intoxicated as a result  
2 of the person's use of alcohol ~~or a controlled substance (as defined in~~  
3 ~~IC 35-48-1-9)~~ in or upon a vehicle commonly used for the public  
4 transportation of passengers, or in or upon a common carrier, or in or  
5 about a depot, station, airport, ticket office, waiting room or platform,  
6 **if the person:**

- 7 (1) endangers the person's life or health;  
8 (2) endangers the life or health of another person; or  
9 (3) breaches the peace.

10 (b) It is a Class B misdemeanor for a person to be, or to become,  
11 intoxicated as a result of the person's use of a controlled substance  
12 (as defined in IC 35-48-1-9) in or upon a vehicle commonly used for  
13 the public transportation of passengers, or in or upon a common  
14 carrier, or in or about a depot, station, airport, ticket office,  
15 waiting room, or platform.

16 (c) It is a defense to a prosecution under subsection (b) that the  
17 accused person consumed the controlled substance under a valid  
18 prescription or order of a practitioner (as defined in IC 35-48-1-24)  
19 who acted in the course of the practitioner's professional practice.

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