

HOUSE BILL No. 1091

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-30-6-9.5; IC 35-33-6-7.

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: (1) shall award the expenses of litigation, including reasonable attorney fees, to the defendant in the action; and (2) may award the defendant punitive damages. 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.

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January 9, 2012, read first time and referred to Committee on Agriculture and Rural Development.

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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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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:**

- 7 (1) shall award the expenses of litigation, including reasonable
- 8 attorney fees, to the defendant in the action; and
- 9 (2) may award the defendant punitive damages.

10 SECTION 2. IC 35-33-6-7 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2012]: **Sec. 7. (a) An owner of real property that is used for
13 agricultural purposes who has probable cause to believe that a
14 specific individual is manufacturing methamphetamine in violation
15 of IC 35-48-4-1.1 on the real property that is used for agricultural
16 purposes of the owner, may:**

- 17 (1) detain the person and request the person to provide



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

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