

HOUSE BILL No. 1122

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44-3-9.

Synopsis: Trafficking with inmate or child. Makes bringing a controlled substance, deadly weapon, or cellular telephone or other wireless or cellular communications device into a penal facility or juvenile facility without the prior authorization of the person in charge of the penal facility or juvenile facility a Class C felony. Makes a technical correction.

Effective: July 1, 2012.

Eberhart

January 9, 2012, read first time and referred to Committee on Courts and Criminal Code.

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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. 1122



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 35-44-3-9, AS AMENDED BY P.L.128-2009,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2012]: Sec. 9. (a) As used in this section, "juvenile facility"
- 4 means the following:
- 5 (1) A secure facility (as defined in IC 31-9-2-114) in which a
- 6 child is detained under IC 31 or used for a child awaiting
- 7 adjudication or adjudicated under IC 31 as a child in need of
- 8 services or a delinquent child.
- 9 (2) A shelter care facility (as defined in IC 31-9-2-117) in which
- 10 a child is detained under IC 31 or used for a child awaiting
- 11 adjudication or adjudicated under IC 31 as a child in need of
- 12 services or a delinquent child.
- 13 (b) ~~Except as provided in subsection (d);~~ A person who, without the
- 14 prior authorization of the person in charge of a penal facility or juvenile
- 15 facility knowingly or intentionally:
- 16 (1) delivers, or carries into the penal facility or juvenile facility
- 17 with intent to deliver, an article to an inmate or child of the



1 facility;
 2 (2) carries, or receives with intent to carry out of the penal facility
 3 or juvenile facility, an article from an inmate or child of the
 4 facility; **or**
 5 (3) delivers, or carries to a worksite with the intent to deliver,
 6 ~~alcoholic beverages~~ **an article** to an inmate, ~~or child, of a~~ **or**
 7 **individual in a jail work crew or community work crew; or**
 8 ~~(4) possesses in or carries into a penal facility or a juvenile~~
 9 ~~facility:~~
 10 (A) a controlled substance; or
 11 (B) a deadly weapon;
 12 commits trafficking with an inmate, a Class A misdemeanor. **However,**
 13 **the offense is a Class C felony if the article is a controlled**
 14 **substance, a deadly weapon, or a cellular telephone or other**
 15 **wireless or cellular communications device.**
 16 (c) If the person who committed the offense under subsection (b) is
 17 an employee of:
 18 (1) the department of correction; or
 19 (2) a penal facility;
 20 and the article is a cigarette or tobacco product (as defined in
 21 IC 6-7-2-5), the court shall impose a mandatory five thousand dollar
 22 (\$5,000) fine under IC 35-50-3-2, in addition to any term of
 23 imprisonment imposed under IC 35-50-3-2.
 24 (d) ~~The offense under subsection (b) is a Class C felony if the article~~
 25 ~~is~~
 26 (1) a controlled substance;
 27 (2) a deadly weapon; or
 28 (3) a cellular telephone or other wireless or cellular
 29 communications device.
 30 (d) **A person who, without the prior authorization of the person**
 31 **in charge of a penal facility or juvenile facility, knowingly or**
 32 **intentionally possesses in or carries into a penal facility or a**
 33 **juvenile facility:**
 34 (1) a controlled substance;
 35 (2) a deadly weapon; or
 36 (3) a cellular telephone or other wireless or cellular
 37 communications device;
 38 commits trafficking with an inmate, a Class C felony.

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