

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	0

### MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1256, 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:*

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 35-44.1-3-5, AS ADDED BY P.L.126-2012,
- 3 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: Sec. 5. (a) As used in this section, "juvenile
- 5 facility" means the following:
- 6 (1) A secure facility (as defined in IC 31-9-2-114) in which a
- 7 child is detained under IC 31 or used for a child awaiting
- 8 adjudication or adjudicated under IC 31 as a child in need of
- 9 services or a delinquent child.
- 10 (2) A shelter care facility (as defined in IC 31-9-2-117) in which
- 11 a child is detained under IC 31 or used for a child awaiting
- 12 adjudication or adjudicated under IC 31 as a child in need of
- 13 services or a delinquent child.
- 14 (b) Except as provided in subsection (d), a person who, without the
- 15 prior authorization of the person in charge of a penal facility or juvenile
- 16 facility knowingly or intentionally:

- 1 (1) delivers, or carries into the penal facility or juvenile facility  
 2 with intent to deliver, an article to an inmate or child of the  
 3 facility;  
 4 (2) carries, or receives with intent to carry out of the penal facility  
 5 or juvenile facility, an article from an inmate or child of the  
 6 facility; **or**  
 7 (3) delivers, or carries to a worksite with the intent to deliver,  
 8 alcoholic beverages to an inmate or child of a jail work crew or  
 9 community work crew; ~~or~~  
 10 ~~(4) possesses in or carries into a penal facility or a juvenile~~  
 11 ~~facility.~~  
 12 (A) a controlled substance; or  
 13 (B) a deadly weapon;  
 14 commits trafficking with an inmate, a Class A misdemeanor. **However,**  
 15 **the offense is a Class C felony under subdivision (1) or (2) if the**  
 16 **article is a controlled substance, a deadly weapon, or a cellular**  
 17 **telephone or other wireless or cellular communications device.**  
 18 (c) If:  
 19 (1) the person who committed the offense under subsection (b) is  
 20 an employee of:  
 21 ~~(1) (A)~~ (A) the department of correction; or  
 22 ~~(2) (B)~~ (B) a penal facility;  
 23 and the article is a cigarette or tobacco product (as defined in  
 24 IC 6-7-2-5), the court shall ~~impose a mandatory order the person~~  
 25 **to pay a fine of at least five hundred dollars (\$500) and not**  
 26 **more than five thousand dollar dollars (\$5,000) fine** under  
 27 IC 35-50-3-2 in addition to any term of imprisonment imposed  
 28 under IC 35-50-3-2; **or**  
 29 **(2) a person is convicted of committing a Class C felony under**  
 30 **subsection (b)(1) or (b)(2) because the article was a cellular**  
 31 **telephone or other wireless or cellular communication device,**  
 32 **the court shall order the person to pay a fine of at least five**  
 33 **hundred dollars (\$500) and not more than ten thousand**  
 34 **dollars (\$10,000) under IC 35-50-2-6(a) in addition to any**  
 35 **term of imprisonment imposed on the person under**  
 36 **IC 35-50-2-6(a).**  
 37 (d) The offense under subsection (b) is a Class C felony if the article  
 38 is:

1           ~~(1)~~ a controlled substance;

2           ~~(2)~~ **A person who:**

3           **(1) is not an inmate of a penal facility or a child of a juvenile**

4           **facility; and**

5           **(2) knowingly or intentionally possesses in, or carries or**

6           **causes to be brought into, the penal facility or juvenile facility**

7           a deadly weapon ~~or~~

8           ~~(3)~~ a cellular telephone ~~or other wireless or cellular~~

9           ~~communications device; without the prior authorization of the~~

10           **person in charge of the penal facility or juvenile facility;**

11           **commits a Class D felony."**

12           Page 2, delete lines 1 through 30.

13           Page 2, line 33, delete "JULY 1, 2013]" and insert "UPON

14           PASSAGE]:".

15           Page 2, after line 36, begin a new paragraph and insert:

16           "SECTION 3. **An emergency is declared for this act.**".

(Reference is to HB 1256 as introduced.)

**and when so amended that said bill do pass.**

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Representative McMillin