

HOUSE BILL No. 1552

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-105.5; IC 35-50-2-10.5.

Synopsis: Sentencing for habitual drug dealers. Provides that a person who is convicted of dealing drugs may be sentenced as a habitual drug dealer if the person has two prior unrelated convictions for dealing drugs.

Effective: July 1, 2013.

Moed, Eberhart, Goodin

January 22, 2013, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1552

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 35-31.5-2-105.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: **Sec. 105.5. "Drug dealing conviction",**
4 **for purposes of IC 35-50-2-10.5, has the meaning set forth in**
5 **IC 35-50-2-10.5(a).**

6 SECTION 2. IC 35-50-2-10.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2013]: **Sec. 10.5. (a) As used in this section,**
9 **"drug dealing conviction" means a conviction for the following**
10 **offenses:**

- 11 (1) **Dealing in cocaine or a narcotic drug (IC 35-48-4-1).**
- 12 (2) **Dealing in methamphetamine (IC 35-48-4-1.1).**
- 13 (3) **Dealing in a schedule I, II, III, IV, or V controlled**
- 14 **substance (IC 35-48-4-2 through IC 35-48-4-4).**
- 15 (4) **Dealing in marijuana, hash oil, hashish, salvia, or a**
- 16 **synthetic drug (IC 35-48-4-10).**
- 17 (b) **The state may seek to have a person sentenced to receive an**



1 additional sentence as a habitual drug dealer for a drug dealing
2 conviction by alleging, on a page separate from the rest of the
3 charging instrument, that the person has accumulated two (2)
4 prior unrelated drug dealing convictions.
5 (c) A person has accumulated two (2) prior unrelated
6 convictions for purposes of this section only if the offense for which
7 the state seeks to have the person receive an additional sentence
8 was committed after sentencing for the prior unrelated drug
9 dealing convictions.
10 (d) A conviction that is a drug dealing conviction does not count
11 for purposes of this section as a prior unrelated conviction if:
12 (1) the conviction has been set aside; or
13 (2) the conviction is one for which the person has been
14 pardoned.
15 (e) A person is a habitual drug dealer if the court finds that the
16 state has proved beyond a reasonable doubt that the person has
17 accumulated two (2) prior unrelated drug dealing convictions.
18 (f) The court shall sentence a person found to be a habitual drug
19 dealer to an additional fixed term of imprisonment equal to the
20 sentence imposed for the underlying offense.

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