

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1006, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 193, between lines 22 and 23, begin a new paragraph and
2 insert:
3 "SECTION 346. IC 33-43-1-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person, before
5 proceeding to discharge the duties of an attorney, shall take an oath to:
6 (1) support the Constitution of the United States and the
7 Constitution of the State of Indiana; and
8 (2) faithfully and honestly discharge the duties of an attorney at
9 law.
10 (b) The oath taken under subsection (a) must be entered in the order
11 book of the court.
12 **(c) A duly sworn attorney who is not otherwise disqualified to**
13 **practice law is an officer of the court."**
14 Page 198, line 16, delete "IC 35-31.5-2-27.5" and insert "IC
15 35-31.5-2-27.4".
16 Page 198, line 18, delete "27.5." and insert "**27.4.**".
17 Page 205, line 22, delete "P.L.178-2007," and insert "SEA
18 31-2013,".
19 Page 206, line 23, delete "of this section,".
20 Page 206, line 28, delete "his the defendant's" and insert "the

- 1 defendant's".
- 2 Page 206, line 31, delete "not later than ten (10) days after the" and
3 insert "at least thirty (30) days before the commencement of trial."
- 4 Page 206, line 32, delete "omnibus date."
- 5 Page 206, line 34, delete "." and insert "if the amendment does not
6 prejudice the substantial rights of the defendant. If the court permits the
7 filing of a habitual offender charge less than thirty (30) days before the
8 commencement of trial, the court shall grant a continuance at the
9 request of the:
- 10 (1) state, for good cause shown; or
11 (2) defendant, for any reason."
- 12 Page 228, line 8, delete "or".
- 13 Page 228, line 9, delete "employee." and insert "**employee;**
14 **(9) a firefighter; or**
15 **(10) an emergency medical services provider.**"
- 16 Page 244, line 10, strike "a member of the opposite sex" and insert
17 "**another person**".
- 18 Page 276, line 26, delete "P.L.137-2009," and insert "HEA
19 1225-2013, SECTION 3,".
- 20 Page 276, line 27, delete "SECTION 14,".
- 21 Page 277, line 16, after "cigarette" insert ", an electronic cigarette
22 (as defined in IC 35-46-1-1.5),".
- 23 Page 277, line 16, after "or" insert "a".
- 24 Page 301, line 15, delete "ADDED BY P.L.126-2012," and insert
25 "AMENDED BY SEA 85-2013, SECTION 140,".
- 26 Page 301, line 16, delete "SECTION 54,".
- 27 Page 301, line 32, delete "IC 35-44-2-3; IC 35-44.1-2-6;" and insert
28 "section 6 of this chapter;".
- 29 Page 384, line 36, reset in roman "Class A".
- 30 Page 384, line 36, delete "Class B".
- 31 Page 384, line 37, delete "(d)" and insert "(c)".
- 32 Page 385, line 23, delete "Class A misdemeanor" and insert "**Level**
33 **6 felony**".
- 34 Page 385, line 34, delete "Level 6" and insert "**Level 5**".
- 35 Page 385, line 35, after "drug" insert "**dealing**".
- 36 Page 386, line 1, delete "but less than fifty (50) pounds".
- 37 Page 386, line 3, delete "but less than one".
- 38 Page 386, line 4, delete "thousand five hundred (1,500) grams".

- 1 Page 386, delete lines 7 through 27.
- 2 Page 386, line 37, delete "Class C" and insert "**Class B**".
- 3 Page 387, delete lines 1 through 16, begin a new paragraph and
4 insert:
- 5 **"(b) The offense described in subsection (a) is a Class A**
6 **misdemeanor if the person has a prior conviction for a drug**
7 **offense.**
- 8 **(c) The offense described in subsection (a) is a Level 6 felony if:**
9 **(1) the person has a prior conviction for a drug offense; and**
10 **(2) the person possesses:**
11 **(A) at least thirty (30) grams of marijuana; or**
12 **(B) at least two (2) grams of hash oil, hashish, salvia, or a**
13 **synthetic drug."**
- 14 Page 397, line 23, delete "P.L.125-2012," and insert "SEA 85-2013,
15 SECTION 144, IS".
- 16 Page 397, delete line 24.
- 17 Page 397, line 25, delete "59, IS CORRECTED AND".
- 18 Page 398, line 5, delete "motor".
- 19 Page 398, line 7, delete "(IC 35-44-3-3)." and insert "(IC
20 35-44.1-3-1)".
- 21 Page 398, delete line 8.
- 22 Page 404, line 16, delete "subsection (b)," and insert "**subsections**
23 **(b) or (c),"**.
- 24 Page 404, line 18, delete "murder,".
- 25 Page 404, line 18, delete "felony," and insert "**felony**".
- 26 Page 404, delete lines 22 through 24, begin a new line block
27 indented and insert:
- 28 **"(1) Level 1 felony; or**
29 **(2) Level 2 felony.**
- 30 **(c) The court may suspend only that part of a sentence for**
31 **murder that is in excess of the minimum sentence for murder."**
- 32 Page 406, line 3, delete "P.L.69-2012," and insert "SEA 85-2013,
33 SECTION 145,".
- 34 Page 406, line 4, delete "SECTION 6,".
- 35 Page 407, line 11, delete "IC 35-44-2-1 IC 35-44.1-2-1" and insert
36 "IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal)".
- 37 Page 407, line 12, delete "IC 35-44-1-2. IC 35-44.1-1-1." and insert
38 "IC 35-44.1-1-1 (or IC 35-44-1-2 before its repeal)".

- 1 Renumber all SECTIONS consecutively.
 (Reference is to HB 1006 as printed February 19, 2013.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 8, Nays 1.

Young R Michael Chairperson