

# HOUSE BILL No. 1223

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-31-3-14.5; IC 20-28-5-8; IC 22-15-5-16; IC 25-1-1.1-3; IC 34-24-1-1; IC 35-31.5-2-217; IC 35-42-1-1.5; IC 35-45-6-1; IC 35-47-4-5.

**Synopsis:** Penalties for drug dealing. Makes dealing in certain controlled substances a Level 2 felony if use of the substance results in serious bodily injury. Makes certain collateral consequences (such as licensure, forfeiture, racketeering, or designation as a serious violent felon) for committing the offense the same as the collateral consequences of committing dealing in a controlled substance resulting in death.

**Effective:** July 1, 2024.

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## Haggard, Meltzer, Garcia Wilburn

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January 9, 2024, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1223

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 16-31-3-14.5, AS AMENDED BY P.L.142-2020,  
2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 14.5. The department of homeland security may  
4 issue an order under IC 4-21.5-3-6 to deny an applicant's request for  
5 certification or licensure or permanently revoke a certificate or license  
6 under procedures provided by section 14 of this chapter if the  
7 individual who holds the certificate or license issued under this title is  
8 convicted of any of the following:

- 9 (1) Dealing in a controlled substance resulting in death **or serious**
- 10 **bodily injury** under IC 35-42-1-1.5.
- 11 (2) Dealing in or manufacturing cocaine or a narcotic drug under
- 12 IC 35-48-4-1.
- 13 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 14 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 15 (5) Dealing in a schedule I, II, or III controlled substance under
- 16 IC 35-48-4-2.
- 17 (6) Dealing in a schedule IV controlled substance under



- 1 IC 35-48-4-3.  
 2 (7) Dealing in a schedule V controlled substance under  
 3 IC 35-48-4-4.  
 4 (8) Dealing in a substance represented to be a controlled  
 5 substance under IC 35-48-4-4.5 (repealed).  
 6 (9) Knowingly or intentionally manufacturing, advertising,  
 7 distributing, or possessing with intent to manufacture, advertise,  
 8 or distribute a substance represented to be a controlled substance  
 9 under IC 35-48-4-4.6.  
 10 (10) Dealing in a counterfeit substance under IC 35-48-4-5.  
 11 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony  
 12 under IC 35-48-4-10.  
 13 (12) An offense under IC 35-48-4 involving the manufacture or  
 14 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
 15 synthetic drug lookalike substance (as defined in  
 16 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
 17 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
 18 substance analog (as defined in IC 35-48-1-9.3), or a substance  
 19 represented to be a controlled substance (as described in  
 20 IC 35-48-4-4.6).  
 21 (13) A crime of violence (as defined in IC 35-50-1-2(a)).  
 22 SECTION 2. IC 20-28-5-8, AS AMENDED BY P.L.125-2022,  
 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2024]: Sec. 8. (a) This section applies when a prosecuting  
 25 attorney knows that a licensed employee of a public school or a  
 26 nonpublic school has been convicted of an offense listed in subsection  
 27 (c). The prosecuting attorney shall immediately give written notice of  
 28 the conviction to the following:  
 29 (1) The secretary of education.  
 30 (2) Except as provided in subdivision (3), the superintendent of  
 31 the school corporation that employs the licensed employee or the  
 32 equivalent authority if a nonpublic school employs the licensed  
 33 employee.  
 34 (3) The presiding officer of the governing body of the school  
 35 corporation that employs the licensed employee, if the convicted  
 36 licensed employee is the superintendent of the school corporation.  
 37 (b) The superintendent of a school corporation, presiding officer of  
 38 the governing body, or equivalent authority for a nonpublic school shall  
 39 immediately notify the secretary of education when the individual  
 40 knows that a current or former licensed employee of the public school  
 41 or nonpublic school has been convicted of an offense listed in  
 42 subsection (c), or when the governing body or equivalent authority for



1 a nonpublic school takes any final action in relation to an employee  
2 who engaged in any offense listed in subsection (c).

3 (c) Except as provided in section 8.5 of this chapter, the department  
4 shall permanently revoke the license of a person who is known by the  
5 department to have been convicted of any of the following:

6 (1) The following felonies:

7 (A) A sex crime under IC 35-42-4 (including criminal deviate  
8 conduct (IC 35-42-4-2) (before its repeal)).

9 (B) Kidnapping (IC 35-42-3-2).

10 (C) Criminal confinement (IC 35-42-3-3).

11 (D) Incest (IC 35-46-1-3).

12 (E) Dealing in or manufacturing cocaine or a narcotic drug (IC  
13 35-48-4-1).

14 (F) Dealing in methamphetamine (IC 35-48-4-1.1).

15 (G) Manufacturing methamphetamine (IC 35-48-4-1.2).

16 (H) Dealing in a schedule I, II, or III controlled substance (IC  
17 35-48-4-2).

18 (I) Dealing in a schedule IV controlled substance (IC  
19 35-48-4-3).

20 (J) Dealing in a schedule V controlled substance (IC  
21 35-48-4-4).

22 (K) Dealing in a counterfeit substance (IC 35-48-4-5).

23 (L) Dealing in marijuana, hash oil, hashish, or salvia as a  
24 felony (IC 35-48-4-10).

25 (M) An offense under IC 35-48-4 involving the manufacture  
26 or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
27 synthetic drug lookalike substance (as defined in  
28 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
29 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a  
30 controlled substance analog (as defined in IC 35-48-1-9.3), or  
31 a substance represented to be a controlled substance (as  
32 described in IC 35-48-4-4.6).

33 (N) Homicide (IC 35-42-1).

34 (O) Voluntary manslaughter (IC 35-42-1-3).

35 (P) Reckless homicide (IC 35-42-1-5).

36 (Q) Battery as any of the following:

37 (i) A Class A felony (for a crime committed before July 1,  
38 2014) or a Level 2 felony (for a crime committed after June  
39 30, 2014).

40 (ii) A Class B felony (for a crime committed before July 1,  
41 2014) or a Level 3 felony (for a crime committed after June  
42 30, 2014).



- 1 (iii) A Class C felony (for a crime committed before July 1,  
2 2014) or a Level 5 felony (for a crime committed after June  
3 30, 2014).
- 4 (R) Aggravated battery (IC 35-42-2-1.5).  
5 (S) Robbery (IC 35-42-5-1).  
6 (T) Carjacking (IC 35-42-5-2) (before its repeal).  
7 (U) Arson as a Class A felony or Class B felony (for a crime  
8 committed before July 1, 2014) or as a Level 2, Level 3, or  
9 Level 4 felony (for a crime committed after June 30, 2014) (IC  
10 35-43-1-1(a)).  
11 (V) Burglary as a Class A felony or Class B felony (for a crime  
12 committed before July 1, 2014) or as a Level 1, Level 2, Level  
13 3, or Level 4 felony (for a crime committed after June 30,  
14 2014) (IC 35-43-2-1).  
15 (W) Human trafficking (IC 35-42-3.5).  
16 (X) Dealing in a controlled substance resulting in death **or**  
17 **serious bodily injury** (IC 35-42-1-1.5).  
18 (Y) Attempt under IC 35-41-5-1 to commit an offense listed in  
19 this subsection.  
20 (Z) Conspiracy under IC 35-41-5-2 to commit an offense listed  
21 in this subsection.
- 22 (2) Public indecency (IC 35-45-4-1) committed:  
23 (A) after June 30, 2003; or  
24 (B) before July 1, 2003, if the person committed the offense  
25 by, in a public place:  
26 (i) engaging in sexual intercourse or other sexual conduct  
27 (as defined in IC 35-31.5-2-221.5);  
28 (ii) appearing in a state of nudity with the intent to arouse  
29 the sexual desires of the person or another person, or being  
30 at least eighteen (18) years of age, with the intent to be seen  
31 by a child less than sixteen (16) years of age; or  
32 (iii) fondling the person's genitals or the genitals of another  
33 person.
- 34 (d) The department shall permanently revoke the license of a person  
35 who is known by the department to have been convicted of a federal  
36 offense or an offense in another state that is comparable to a felony or  
37 misdemeanor listed in subsection (c).  
38 (e) A license may be suspended by the secretary of education as  
39 specified in IC 20-28-7.5.  
40 (f) The department shall develop a data base of information on  
41 school corporation employees who have been reported to the  
42 department under this section.



1 (g) Upon receipt of information from the office of judicial  
 2 administration in accordance with IC 33-24-6-3 concerning persons  
 3 convicted of an offense listed in subsection (c), the department shall:

4 (1) cross check the information received from the office of  
 5 judicial administration with information concerning licensed  
 6 teachers (as defined in IC 20-18-2-22(b)) maintained by the  
 7 department; and

8 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been  
 9 convicted of an offense described in subsection (c), revoke the  
 10 licensed teacher's license.

11 SECTION 3. IC 22-15-5-16, AS AMENDED BY P.L.142-2020,  
 12 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2024]: Sec. 16. (a) A practitioner shall comply with the  
 14 standards established under this licensing program. A practitioner is  
 15 subject to the exercise of the disciplinary sanctions under subsection  
 16 (b) if the department finds that a practitioner has:

17 (1) engaged in or knowingly cooperated in fraud or material  
 18 deception in order to obtain a license to practice, including  
 19 cheating on a licensing examination;

20 (2) engaged in fraud or material deception in the course of  
 21 professional services or activities;

22 (3) advertised services or goods in a false or misleading manner;

23 (4) falsified or knowingly allowed another person to falsify  
 24 attendance records or certificates of completion of continuing  
 25 education courses provided under this chapter;

26 (5) been convicted of a crime that has a direct bearing on the  
 27 practitioner's ability to continue to practice competently;

28 (6) knowingly violated a state statute or rule or federal statute or  
 29 regulation regulating the profession for which the practitioner is  
 30 licensed;

31 (7) continued to practice although the practitioner has become  
 32 unfit to practice due to:

33 (A) professional incompetence;

34 (B) failure to keep abreast of current professional theory or  
 35 practice;

36 (C) physical or mental disability; or

37 (D) addiction to, abuse of, or severe dependency on alcohol or  
 38 other drugs that endanger the public by impairing a  
 39 practitioner's ability to practice safely;

40 (8) engaged in a course of lewd or immoral conduct in connection  
 41 with the delivery of services to the public;

42 (9) allowed the practitioner's name or a license issued under this



1 chapter to be used in connection with an individual or business  
 2 who renders services beyond the scope of that individual's or  
 3 business's training, experience, or competence;

4 (10) had disciplinary action taken against the practitioner or the  
 5 practitioner's license to practice in another state or jurisdiction on  
 6 grounds similar to those under this chapter;

7 (11) assisted another person in committing an act that would  
 8 constitute a ground for disciplinary sanction under this chapter;  
 9 or

10 (12) allowed a license issued by the department to be:

11 (A) used by another person; or

12 (B) displayed to the public when the license has expired, is  
 13 inactive, is invalid, or has been revoked or suspended.

14 For purposes of subdivision (10), a certified copy of a record of  
 15 disciplinary action constitutes prima facie evidence of a disciplinary  
 16 action in another jurisdiction.

17 (b) The department may impose one (1) or more of the following  
 18 sanctions if the department finds that a practitioner is subject to  
 19 disciplinary sanctions under subsection (a):

20 (1) Permanent revocation of a practitioner's license.

21 (2) Suspension of a practitioner's license.

22 (3) Censure of a practitioner.

23 (4) Issuance of a letter of reprimand.

24 (5) Assessment of a civil penalty against the practitioner in  
 25 accordance with the following:

26 (A) The civil penalty may not be more than one thousand  
 27 dollars (\$1,000) for each violation listed in subsection (a),  
 28 except for a finding of incompetency due to a physical or  
 29 mental disability.

30 (B) When imposing a civil penalty, the department shall  
 31 consider a practitioner's ability to pay the amount assessed. If  
 32 the practitioner fails to pay the civil penalty within the time  
 33 specified by the department, the department may suspend the  
 34 practitioner's license without additional proceedings. However,  
 35 a suspension may not be imposed if the sole basis for the  
 36 suspension is the practitioner's inability to pay a civil penalty.

37 (6) Placement of a practitioner on probation status and  
 38 requirement of the practitioner to:

39 (A) report regularly to the department upon the matters that  
 40 are the basis of probation;

41 (B) limit practice to those areas prescribed by the department;

42 (C) continue or renew professional education approved by the



1 department until a satisfactory degree of skill has been attained  
2 in those areas that are the basis of the probation; or  
3 (D) perform or refrain from performing any acts, including  
4 community restitution or service without compensation, that  
5 the department considers appropriate to the public interest or  
6 to the rehabilitation or treatment of the practitioner.

7 The department may withdraw or modify this probation if the  
8 department finds after a hearing that the deficiency that required  
9 disciplinary action has been remedied or that changed  
10 circumstances warrant a modification of the order.

11 (c) If an applicant or a practitioner has engaged in or knowingly  
12 cooperated in fraud or material deception to obtain a license to  
13 practice, including cheating on the licensing examination, the  
14 department may rescind the license if it has been granted, void the  
15 examination or other fraudulent or deceptive material, and prohibit the  
16 applicant from reapplying for the license for a length of time  
17 established by the department.

18 (d) The department may deny licensure to an applicant who has had  
19 disciplinary action taken against the applicant or the applicant's license  
20 to practice in another state or jurisdiction or who has practiced without  
21 a license in violation of the law. A certified copy of the record of  
22 disciplinary action is conclusive evidence of the other jurisdiction's  
23 disciplinary action.

24 (e) The department may order a practitioner to submit to a  
25 reasonable physical or mental examination if the practitioner's physical  
26 or mental capacity to practice safely and competently is at issue in a  
27 disciplinary proceeding. Failure to comply with a department order to  
28 submit to a physical or mental examination makes a practitioner liable  
29 to temporary suspension under subsection (j).

30 (f) Except as provided under subsection (g) or (h), a license may not  
31 be denied, revoked, or suspended because the applicant or holder has  
32 been convicted of an offense. The acts from which the applicant's or  
33 holder's conviction resulted may, however, be considered as to whether  
34 the applicant or holder should be entrusted to serve the public in a  
35 specific capacity.

36 (g) The department may deny, suspend, or revoke a license issued  
37 under this chapter if the individual who holds the license is convicted  
38 of any of the following:

- 39 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 40 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 41 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 42 (4) Fraudulently obtaining a controlled substance under





- 1 IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or  
 2 IC 35-48-4-7(c) (for a crime committed after June 30, 2014).  
 3 (5) Manufacture of paraphernalia as a Class D felony (for a crime  
 4 committed before July 1, 2014) or a Level 6 felony (for a crime  
 5 committed after June 30, 2014) under IC 35-48-4-8.1(b).  
 6 (6) Dealing in paraphernalia as a Class D felony (for a crime  
 7 committed before July 1, 2014) or a Level 6 felony (for a crime  
 8 committed after June 30, 2014) under IC 35-48-4-8.5(b).  
 9 (7) Possession of paraphernalia as a Class D felony (for a crime  
 10 committed before July 1, 2014) or a Level 6 felony (for a crime  
 11 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before  
 12 its amendment on July 1, 2015).  
 13 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class  
 14 D felony (for a crime committed before July 1, 2014) or a Level  
 15 6 felony (for a crime committed after June 30, 2014) under  
 16 IC 35-48-4-11.  
 17 (9) A felony offense under IC 35-48-4 involving possession of a  
 18 synthetic drug (as defined in IC 35-31.5-2-321), possession of a  
 19 controlled substance analog (as defined in IC 35-48-1-9.3), or  
 20 possession of a synthetic drug lookalike substance (as defined in  
 21 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:  
 22 (A) Class D felony for a crime committed before July 1, 2014;  
 23 or  
 24 (B) Level 6 felony for a crime committed after June 30, 2014;  
 25 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).  
 26 (10) Maintaining a common nuisance under IC 35-48-4-13  
 27 (repealed) or IC 35-45-1-5, if the common nuisance involves a  
 28 controlled substance.  
 29 (11) An offense relating to registration, labeling, and prescription  
 30 forms under IC 35-48-4-14.  
 31 (h) The department shall deny, revoke, or suspend a license issued  
 32 under this chapter if the individual who holds the license is convicted  
 33 of any of the following:  
 34 (1) Dealing in a controlled substance resulting in death **or serious**  
 35 **bodily injury** under IC 35-42-1-1.5.  
 36 (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.  
 37 (3) Dealing in methamphetamine under IC 35-48-4-1.1.  
 38 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.  
 39 (5) Dealing in a schedule I, II, or III controlled substance under  
 40 IC 35-48-4-2.  
 41 (6) Dealing in a schedule IV controlled substance under  
 42 IC 35-48-4-3.



- 1 (7) Dealing in a schedule V controlled substance under  
 2 IC 35-48-4-4.
- 3 (8) Dealing in a substance represented to be a controlled  
 4 substance under IC 35-48-4-4.5 (repealed).
- 5 (9) Knowingly or intentionally manufacturing, advertising,  
 6 distributing, or possessing with intent to manufacture, advertise,  
 7 or distribute a substance represented to be a controlled substance  
 8 under IC 35-48-4-4.6.
- 9 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 10 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony  
 11 under IC 35-48-4-10.
- 12 (12) An offense under IC 35-48-4 involving the manufacture or  
 13 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
 14 synthetic drug lookalike substance (as defined in  
 15 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
 16 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
 17 substance analog (as defined in IC 35-48-1-9.3), or a substance  
 18 represented to be a controlled substance (as described in  
 19 IC 35-48-4-4.6).
- 20 (13) A violation of any federal or state drug law or rule related to  
 21 wholesale legend drug distributors licensed under IC 25-26-14.
- 22 (i) A decision of the department under subsections (b) through (h)  
 23 may be appealed to the commission under IC 4-21.5-3-7.
- 24 (j) The department may temporarily suspend a practitioner's license  
 25 under IC 4-21.5-4 before a final adjudication or during the appeals  
 26 process if the department finds that a practitioner represents a clear and  
 27 immediate danger to the public's health, safety, or property if the  
 28 practitioner is allowed to continue to practice.
- 29 (k) On receipt of a complaint or an information alleging that a  
 30 person licensed under this chapter has engaged in or is engaging in a  
 31 practice that jeopardizes the public health, safety, or welfare, the  
 32 department shall initiate an investigation against the person.
- 33 (l) Any complaint filed with the office of the attorney general  
 34 alleging a violation of this licensing program shall be referred to the  
 35 department for summary review and for its general information and any  
 36 authorized action at the time of the filing.
- 37 (m) The department shall conduct a fact finding investigation as the  
 38 department considers proper in relation to the complaint.
- 39 (n) The department may reinstate a license that has been suspended  
 40 under this section if, after a hearing, the department is satisfied that the  
 41 applicant is able to practice with reasonable skill, safety, and  
 42 competency to the public. As a condition of reinstatement, the



1 department may impose disciplinary or corrective measures authorized  
2 under this chapter.

3 (o) The department may not reinstate a license that has been  
4 revoked under this chapter. An individual whose license has been  
5 revoked under this chapter may not apply for a new license until seven  
6 (7) years after the date of revocation.

7 (p) The department shall seek to achieve consistency in the  
8 application of sanctions authorized in this chapter. Significant  
9 departures from prior decisions involving similar conduct must be  
10 explained in the department's findings or orders.

11 (q) A practitioner may petition the department to accept the  
12 surrender of the practitioner's license instead of having a hearing before  
13 the commission. The practitioner may not surrender the practitioner's  
14 license without the written approval of the department, and the  
15 department may impose any conditions appropriate to the surrender or  
16 reinstatement of a surrendered license.

17 (r) A practitioner who has been subjected to disciplinary sanctions  
18 may be required by the commission to pay the costs of the proceeding.  
19 The practitioner's ability to pay shall be considered when costs are  
20 assessed. If the practitioner fails to pay the costs, a suspension may not  
21 be imposed solely upon the practitioner's inability to pay the amount  
22 assessed. The costs are limited to costs for the following:

- 23 (1) Court reporters.
- 24 (2) Transcripts.
- 25 (3) Certification of documents.
- 26 (4) Photo duplication.
- 27 (5) Witness attendance and mileage fees.
- 28 (6) Postage.
- 29 (7) Expert witnesses.
- 30 (8) Depositions.
- 31 (9) Notarizations.

32 SECTION 4. IC 25-1-1.1-3, AS AMENDED BY P.L.142-2020,  
33 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2024]: Sec. 3. A board, a commission, or a committee shall  
35 revoke or suspend a license or certificate issued under this title by the  
36 board, the commission, or the committee if the individual who holds  
37 the license or certificate is convicted of any of the following:

- 38 (1) Dealing in a controlled substance resulting in death **or serious**  
39 **bodily injury** under IC 35-42-1-1.5.
- 40 (2) Dealing in or manufacturing cocaine or a narcotic drug under  
41 IC 35-48-4-1.
- 42 (3) Dealing in methamphetamine under IC 35-48-4-1.1.



- 1 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.  
 2 (5) Dealing in a schedule I, II, or III controlled substance under  
 3 IC 35-48-4-2.  
 4 (6) Dealing in a schedule IV controlled substance under  
 5 IC 35-48-4-3.  
 6 (7) Dealing in a schedule V controlled substance under  
 7 IC 35-48-4-4.  
 8 (8) Dealing in a substance represented to be a controlled  
 9 substance under IC 35-48-4-4.5 (before its repeal on July 1,  
 10 2019).  
 11 (9) Knowingly or intentionally manufacturing, advertising,  
 12 distributing, or possessing with intent to manufacture, advertise,  
 13 or distribute a substance represented to be a controlled substance  
 14 under IC 35-48-4-4.6.  
 15 (10) Dealing in a counterfeit substance under IC 35-48-4-5.  
 16 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony  
 17 under IC 35-48-4-10.  
 18 (12) An offense under IC 35-48-4 involving the manufacture or  
 19 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
 20 synthetic drug lookalike substance (as defined in  
 21 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
 22 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
 23 substance analog (as defined in IC 35-48-1-9.3), or a substance  
 24 represented to be a controlled substance (as described in  
 25 IC 35-48-4-4.6).  
 26 (13) A violation of any federal or state drug law or rule related to  
 27 wholesale legend drug distributors licensed under IC 25-26-14.  
 28 SECTION 5. IC 34-24-1-1, AS AMENDED BY P.L.185-2023,  
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2024]: Sec. 1. (a) The following may be seized:  
 31 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used  
 32 or are intended for use by the person or persons in possession of  
 33 them to transport or in any manner to facilitate the transportation  
 34 of the following:  
 35 (A) A controlled substance for the purpose of committing,  
 36 attempting to commit, or conspiring to commit any of the  
 37 following:  
 38 (i) Dealing in or manufacturing cocaine or a narcotic drug  
 39 (IC 35-48-4-1).  
 40 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).  
 41 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).  
 42 (iv) Dealing in a schedule I, II, or III controlled substance



- 1 (IC 35-48-4-2).  
 2 (v) Dealing in a schedule IV controlled substance (IC  
 3 35-48-4-3).  
 4 (vi) Dealing in a schedule V controlled substance (IC  
 5 35-48-4-4).  
 6 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).  
 7 (viii) Possession of cocaine or a narcotic drug (IC  
 8 35-48-4-6).  
 9 (ix) Possession of methamphetamine (IC 35-48-4-6.1).  
 10 (x) Dealing in paraphernalia (IC 35-48-4-8.5).  
 11 (xi) Dealing in marijuana, hash oil, hashish, or salvia (IC  
 12 35-48-4-10).  
 13 (xii) An offense under IC 35-48-4 involving a synthetic drug  
 14 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike  
 15 substance (as defined in IC 35-31.5-2-321.5 (before its  
 16 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its  
 17 repeal on July 1, 2019), a controlled substance analog (as  
 18 defined in IC 35-48-1-9.3), or a substance represented to be  
 19 a controlled substance (as described in IC 35-48-4-4.6).  
 20 (B) Any stolen (IC 35-43-4-2 or IC 35-43-4-2.2) or converted  
 21 property (IC 35-43-4-3) if the retail or repurchase value of that  
 22 property is one hundred dollars (\$100) or more.  
 23 (C) Any hazardous waste in violation of IC 13-30-10-1.5.  
 24 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of  
 25 mass destruction (as defined in IC 35-31.5-2-354) used to  
 26 commit, used in an attempt to commit, or used in a conspiracy  
 27 to commit a felony terrorist offense (as defined in  
 28 IC 35-50-2-18) or an offense under IC 35-47 as part of or in  
 29 furtherance of an act of terrorism (as defined by  
 30 IC 35-31.5-2-329).  
 31 (2) All money, negotiable instruments, securities, weapons,  
 32 communications devices, or any property used to commit, used in  
 33 an attempt to commit, or used in a conspiracy to commit a felony  
 34 terrorist offense (as defined in IC 35-50-2-18) or an offense under  
 35 IC 35-47 as part of or in furtherance of an act of terrorism or  
 36 commonly used as consideration for a violation of IC 35-48-4  
 37 (other than items subject to forfeiture under IC 16-42-20-5 or  
 38 IC 16-6-8.5-5.1, before its repeal):  
 39 (A) furnished or intended to be furnished by any person in  
 40 exchange for an act that is in violation of a criminal statute;  
 41 (B) used to facilitate any violation of a criminal statute; or  
 42 (C) traceable as proceeds of the violation of a criminal statute.



- 1 (3) Any portion of real or personal property purchased with  
2 money that is traceable as a proceed of a violation of a criminal  
3 statute.
- 4 (4) A vehicle that is used by a person to:  
5 (A) commit, attempt to commit, or conspire to commit;  
6 (B) facilitate the commission of; or  
7 (C) escape from the commission of;  
8 murder (IC 35-42-1-1), dealing in a controlled substance resulting  
9 in death **or serious bodily injury** (IC 35-42-1-1.5), kidnapping  
10 (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC  
11 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation  
12 (IC 35-42-4-4), or an offense under IC 35-47 as part of or in  
13 furtherance of an act of terrorism.
- 14 (5) Real property owned by a person who uses it to commit any of  
15 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5  
16 felony:  
17 (A) Dealing in or manufacturing cocaine or a narcotic drug (IC  
18 35-48-4-1).  
19 (B) Dealing in methamphetamine (IC 35-48-4-1.1).  
20 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).  
21 (D) Dealing in a schedule I, II, or III controlled substance (IC  
22 35-48-4-2).  
23 (E) Dealing in a schedule IV controlled substance (IC  
24 35-48-4-3).  
25 (F) Dealing in marijuana, hash oil, hashish, or salvia (IC  
26 35-48-4-10).  
27 (G) Dealing in a synthetic drug (as defined in  
28 IC 35-31.5-2-321) or synthetic drug lookalike substance (as  
29 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,  
30 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,  
31 2019).  
32 (H) Dealing in a controlled substance resulting in death **or**  
33 **serious bodily injury** (IC 35-42-1-1.5).
- 34 (6) Equipment and recordings used by a person to commit fraud  
35 under IC 35-43-5.
- 36 (7) Recordings sold, rented, transported, or possessed by a person  
37 in violation of IC 24-4-10.
- 38 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as  
39 defined by IC 35-45-6-1) that is the object of a corrupt business  
40 influence violation (IC 35-45-6-2).
- 41 (9) Unlawful telecommunications devices (as defined in  
42 IC 35-45-13-6) and plans, instructions, or publications used to



- 1 commit an offense under IC 35-45-13.
- 2 (10) Any equipment, including computer equipment and cellular  
3 telephones, used for or intended for use in preparing,  
4 photographing, recording, videotaping, digitizing, printing,  
5 copying, or disseminating matter in violation of IC 35-42-4.
- 6 (11) Destructive devices used, possessed, transported, or sold in  
7 violation of IC 35-47.5.
- 8 (12) Tobacco products that are sold in violation of IC 24-3-5,  
9 tobacco products that a person attempts to sell in violation of  
10 IC 24-3-5, and other personal property owned and used by a  
11 person to facilitate a violation of IC 24-3-5.
- 12 (13) Property used by a person to commit counterfeiting or  
13 forgery in violation of IC 35-43-5-2.
- 14 (14) After December 31, 2005, if a person is convicted of an  
15 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the  
16 following real or personal property:
- 17 (A) Property used or intended to be used to commit, facilitate,  
18 or promote the commission of the offense.
- 19 (B) Property constituting, derived from, or traceable to the  
20 gross proceeds that the person obtained directly or indirectly  
21 as a result of the offense.
- 22 (15) Except as provided in subsection (e), a vehicle used by a  
23 person who operates the vehicle:
- 24 (A) while intoxicated, in violation of IC 9-30-5-1 through  
25 IC 9-30-5-5, if in the previous five (5) years the person has two  
26 (2) or more prior unrelated convictions for operating a motor  
27 vehicle while intoxicated in violation of IC 9-30-5-1 through  
28 IC 9-30-5-5; or
- 29 (B) on a highway while the person's driving privileges are  
30 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,  
31 if in the previous five (5) years the person has two (2) or more  
32 prior unrelated convictions for operating a vehicle while  
33 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.
- 34 If a court orders the seizure of a vehicle under this subdivision,  
35 the court shall transmit an order to the bureau of motor vehicles  
36 recommending that the bureau not permit a vehicle to be  
37 registered in the name of the person whose vehicle was seized  
38 until the person possesses a current driving license (as defined in  
39 IC 9-13-2-41).
- 40 (16) The following real or personal property:
- 41 (A) Property used or intended to be used to commit, facilitate,  
42 or promote the commission of an offense specified in



- 1 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or  
 2 IC 30-2-13-38(f).
- 3 (B) Property constituting, derived from, or traceable to the  
 4 gross proceeds that a person obtains directly or indirectly as a  
 5 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),  
 6 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 7 (17) Real or personal property, including a vehicle, that is used by  
 8 a person to:
- 9 (A) commit, attempt to commit, or conspire to commit;  
 10 (B) facilitate the commission of; or  
 11 (C) escape from the commission of;  
 12 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human  
 13 trafficking) or IC 35-45-4-4 (promoting prostitution).
- 14 (b) A vehicle used by any person as a common or contract carrier in  
 15 the transaction of business as a common or contract carrier is not  
 16 subject to seizure under this section, unless it can be proven by a  
 17 preponderance of the evidence that the owner of the vehicle knowingly  
 18 permitted the vehicle to be used to engage in conduct that subjects it to  
 19 seizure under subsection (a).
- 20 (c) Equipment under subsection (a)(10) may not be seized unless it  
 21 can be proven by a preponderance of the evidence that the owner of the  
 22 equipment knowingly permitted the equipment to be used to engage in  
 23 conduct that subjects it to seizure under subsection (a)(10).
- 24 (d) Money, negotiable instruments, securities, weapons,  
 25 communications devices, or any property commonly used as  
 26 consideration for a violation of IC 35-48-4 found near or on a person  
 27 who is committing, attempting to commit, or conspiring to commit any  
 28 of the following offenses shall be admitted into evidence in an action  
 29 under this chapter as prima facie evidence that the money, negotiable  
 30 instrument, security, or other thing of value is property that has been  
 31 used or was to have been used to facilitate the violation of a criminal  
 32 statute or is the proceeds of the violation of a criminal statute:
- 33 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in  
 34 death **or serious bodily injury**).
- 35 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a  
 36 narcotic drug).
- 37 (3) IC 35-48-4-1.1 (dealing in methamphetamine).
- 38 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).
- 39 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled  
 40 substance).
- 41 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- 42 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)





- 1 as a Level 4 felony.  
 2 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a  
 3 Level 3, Level 4, or Level 5 felony.  
 4 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level  
 5 3, Level 4, or Level 5 felony.  
 6 (10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or  
 7 salvia) as a Level 5 felony.  
 8 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing  
 9 in a synthetic drug or synthetic drug lookalike substance) as a  
 10 Level 5 felony or Level 6 felony (or as a Class C felony or Class  
 11 D felony under IC 35-48-4-10 before its amendment in 2013).

12 (e) A vehicle operated by a person who is not:

- 13 (1) an owner of the vehicle; or  
 14 (2) the spouse of the person who owns the vehicle;

15 is not subject to seizure under subsection (a)(15) unless it can be  
 16 proven by a preponderance of the evidence that the owner of the  
 17 vehicle knowingly permitted the vehicle to be used to engage in  
 18 conduct that subjects it to seizure under subsection (a)(15).

19 SECTION 6. IC 35-31.5-2-217, AS AMENDED BY P.L.198-2018,  
 20 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2024]: Sec. 217. "Offense relating to controlled substances"  
 22 means the following:

- 23 (1) Dealing in a controlled substance resulting in death **or serious**  
 24 **bodily injury** (IC 35-42-1-1.5).  
 25 (2) Dealing in or manufacturing cocaine or a narcotic drug (IC  
 26 35-48-4-1).  
 27 (3) Dealing in methamphetamine (IC 35-48-4-1.1).  
 28 (4) Manufacturing methamphetamine (IC 35-48-4-1.2).  
 29 (5) Dealing in a schedule I, II, or III controlled substance (IC  
 30 35-48-4-2).  
 31 (6) Dealing in a schedule IV controlled substance (IC 35-48-4-3).  
 32 (7) Dealing in a schedule V controlled substance (IC 35-48-4-4).  
 33 (8) Possession of cocaine or a narcotic drug (IC 35-48-4-6).  
 34 (9) Possession of methamphetamine (IC 35-48-4-6.1).  
 35 (10) Possession of a controlled substance (IC 35-48-4-7).  
 36 (11) Possession of paraphernalia (IC 35-48-4-8.3).  
 37 (12) Dealing in paraphernalia (IC 35-48-4-8.5).  
 38 (13) Offenses relating to registration (IC 35-48-4-14).

39 SECTION 7. IC 35-42-1-1.5, AS AMENDED BY P.L.80-2019,  
 40 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2024]: Sec. 1.5. (a) A person who knowingly or intentionally  
 42 manufactures or delivers a controlled substance or controlled substance



1 analog, in violation of:

- 2 (1) IC 35-48-4-1 (dealing in cocaine or a narcotic drug);  
 3 (2) IC 35-48-4-1.1 (dealing in methamphetamine);  
 4 (3) IC 35-48-4-1.2 (manufacturing methamphetamine); or  
 5 (4) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled  
 6 substance);

7 that, when the controlled substance is used, injected, inhaled, absorbed,  
 8 or ingested, results in the death of a human being who used the  
 9 controlled substance, commits dealing in a controlled substance  
 10 resulting in death, a Level 1 felony.

11 **(b) A person who knowingly or intentionally manufactures or**  
 12 **delivers a controlled substance or controlled substance analog, in**  
 13 **violation of:**

- 14 **(1) IC 35-48-4-1 (dealing in cocaine or a narcotic drug);**  
 15 **(2) IC 35-48-4-1.1 (dealing in methamphetamine);**  
 16 **(3) IC 35-48-4-1.2 (manufacturing methamphetamine); or**  
 17 **(4) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled**  
 18 **substance);**

19 **that, when the controlled substance is used, injected, inhaled,**  
 20 **absorbed, or ingested, results in serious bodily injury to a human**  
 21 **being, commits dealing in a controlled substance resulting in**  
 22 **serious bodily injury, a Level 2 felony.**

23 ~~(b)~~ **(c)** A person who knowingly or intentionally manufactures or  
 24 delivers a controlled substance, in violation of IC 35-48-4-3, that, when  
 25 the controlled substance is used, injected, inhaled, absorbed, or  
 26 ingested, results in the death of a human being who used the controlled  
 27 substance, commits dealing in a controlled substance resulting in death,  
 28 a Level 2 felony.

29 ~~(c)~~ **(d)** A person who knowingly or intentionally manufactures or  
 30 delivers a controlled substance, in violation of IC 35-48-4-4, an offense  
 31 under IC 35-48-4 involving a synthetic drug (as defined in  
 32 IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in  
 33 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
 34 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
 35 substance analog (as defined in IC 35-48-1-9.3), or a substance  
 36 represented to be a controlled substance (as described in  
 37 IC 35-48-4-4.6), that, when the controlled substance is used, injected,  
 38 inhaled, absorbed, or ingested, results in the death of a human being  
 39 who used the controlled substance, commits dealing in a controlled  
 40 substance resulting in death, a Level 3 felony.

41 ~~(d)~~ **(e)** It is not a defense to an offense described in this section that  
 42 the human being died:



- 1 (1) after voluntarily using, injecting, inhaling, absorbing, or
- 2 ingesting a controlled substance or controlled substance analog;
- 3 or
- 4 (2) as a result of using the controlled substance or controlled
- 5 substance analog in combination with alcohol or another
- 6 controlled substance or with any other compound, mixture,
- 7 diluent, or substance.
- 8 SECTION 8. IC 35-45-6-1, AS AMENDED BY P.L.185-2023,
- 9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2024]: Sec. 1. (a) The definitions in this section apply
- 11 throughout this chapter.
- 12 (b) "Documentary material" means any document, drawing,
- 13 photograph, recording, or other tangible item containing compiled data
- 14 from which information can be either obtained or translated into a
- 15 usable form.
- 16 (c) "Enterprise" means:
- 17 (1) a sole proprietorship, corporation, limited liability company,
- 18 partnership, business trust, or governmental entity; or
- 19 (2) a union, an association, or a group, whether a legal entity or
- 20 merely associated in fact.
- 21 (d) "Pattern of racketeering activity" means engaging in at least two
- 22 (2) incidents of racketeering activity that have the same or similar
- 23 intent, result, accomplice, victim, or method of commission, or that are
- 24 otherwise interrelated by distinguishing characteristics that are not
- 25 isolated incidents. However, the incidents are a pattern of racketeering
- 26 activity only if at least one (1) of the incidents occurred after August
- 27 31, 1980, and if the last of the incidents occurred within five (5) years
- 28 after a prior incident of racketeering activity.
- 29 (e) "Racketeering activity" means to commit, to attempt to commit,
- 30 to conspire to commit a violation of, or aiding and abetting in a
- 31 violation of any of the following:
- 32 (1) A provision of IC 23-19, or of a rule or order issued under
- 33 IC 23-19.
- 34 (2) A violation of IC 35-45-9.
- 35 (3) A violation of IC 35-47.
- 36 (4) A violation of IC 35-49-3.
- 37 (5) Murder (IC 35-42-1-1).
- 38 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
- 39 felony after June 30, 2014 (IC 35-42-2-1).
- 40 (7) Kidnapping (IC 35-42-3-2).
- 41 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 42 (9) Child exploitation (IC 35-42-4-4).



- 1 (10) Robbery (IC 35-42-5-1).
- 2 (11) Carjacking (IC 35-42-5-2) (before its repeal).
- 3 (12) Arson (IC 35-43-1-1).
- 4 (13) Burglary (IC 35-43-2-1).
- 5 (14) Theft (IC 35-43-4-2).
- 6 (15) Receiving stolen property (IC 35-43-4-2) (before its
- 7 amendment on July 1, 2018).
- 8 (16) Forgery (IC 35-43-5-2).
- 9 (17) An offense under IC 35-43-5.
- 10 (18) Bribery (IC 35-44.1-1-2).
- 11 (19) Official misconduct (IC 35-44.1-1-1).
- 12 (20) Conflict of interest (IC 35-44.1-1-4).
- 13 (21) Perjury (IC 35-44.1-2-1).
- 14 (22) Obstruction of justice (IC 35-44.1-2-2).
- 15 (23) Intimidation (IC 35-45-2-1).
- 16 (24) Promoting prostitution (IC 35-45-4-4).
- 17 (25) Professional gambling (IC 35-45-5-3).
- 18 (26) Maintaining a professional gambling site (IC
- 19 35-45-5-3.5(b)).
- 20 (27) Promoting professional gambling (IC 35-45-5-4).
- 21 (28) Dealing in or manufacturing cocaine or a narcotic drug (IC
- 22 35-48-4-1).
- 23 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
- 24 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 25 (31) Dealing in a schedule I, II, or III controlled substance (IC
- 26 35-48-4-2).
- 27 (32) Dealing in a schedule IV controlled substance (IC
- 28 35-48-4-3).
- 29 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 30 (34) Dealing in marijuana, hash oil, hashish, or salvia (IC
- 31 35-48-4-10).
- 32 (35) Money laundering (IC 35-45-15-5).
- 33 (36) A violation of IC 35-47.5-5.
- 34 (37) A violation of any of the following:
- 35 (A) IC 23-14-48-9.
- 36 (B) IC 30-2-9-7(b).
- 37 (C) IC 30-2-10-9(b).
- 38 (D) IC 30-2-13-38(f).
- 39 (38) Practice of law by a person who is not an attorney (IC
- 40 33-43-2-1).
- 41 (39) An offense listed in IC 35-48-4 involving the manufacture or
- 42 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a



1 synthetic drug lookalike substance (as defined in  
 2 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
 3 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
 4 substance analog (as defined in IC 35-48-1-9.3), or a substance  
 5 represented to be a controlled substance (as described in  
 6 IC 35-48-4-4.6).

7 (40) Dealing in a controlled substance resulting in death **or**  
 8 **serious bodily injury** (IC 35-42-1-1.5).

9 (41) Organized retail theft (IC 35-43-4-2.2).

10 SECTION 9. IC 35-47-4-5, AS AMENDED BY P.L.28-2023,  
 11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2024]: Sec. 5. (a) As used in this section, "serious violent  
 13 felon" means a person who has been convicted of committing a serious  
 14 violent felony.

15 (b) As used in this section, "serious violent felony" means:

16 (1) murder (IC 35-42-1-1);

17 (2) attempted murder (IC 35-41-5-1);

18 (3) voluntary manslaughter (IC 35-42-1-3);

19 (4) reckless homicide not committed by means of a vehicle (IC  
 20 35-42-1-5);

21 (5) battery (IC 35-42-2-1) as a:

22 (A) Class A felony, Class B felony, or Class C felony, for a  
 23 crime committed before July 1, 2014; or

24 (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5  
 25 felony, for a crime committed after June 30, 2014;

26 (6) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level  
 27 3 felony, Level 4 felony, or Level 5 felony;

28 (7) aggravated battery (IC 35-42-2-1.5);

29 (8) strangulation (IC 35-42-2-9);

30 (9) kidnapping (IC 35-42-3-2);

31 (10) criminal confinement (IC 35-42-3-3);

32 (11) a human or sexual trafficking offense under IC 35-42-3.5;

33 (12) rape (IC 35-42-4-1);

34 (13) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

35 (14) child molesting (IC 35-42-4-3);

36 (15) sexual battery (IC 35-42-4-8) as a:

37 (A) Class C felony, for a crime committed before July 1, 2014;

38 or

39 (B) Level 5 felony, for a crime committed after June 30, 2014;

40 (16) robbery (IC 35-42-5-1);

41 (17) carjacking (~~IC 35-42-5-2~~) (IC 35-42-5-2) (before its repeal);

42 (18) arson (IC 35-43-1-1(a)) as a:



- 1 (A) Class A felony or Class B felony, for a crime committed  
 2 before July 1, 2014; or  
 3 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a  
 4 crime committed after June 30, 2014;  
 5 (19) burglary (IC 35-43-2-1) as a:  
 6 (A) Class A felony or Class B felony, for a crime committed  
 7 before July 1, 2014; or  
 8 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4  
 9 felony, for a crime committed after June 30, 2014;  
 10 (20) assisting a criminal (IC 35-44.1-2-5) as a:  
 11 (A) Class C felony, for a crime committed before July 1, 2014;  
 12 or  
 13 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 14 (21) resisting law enforcement (IC 35-44.1-3-1) as a:  
 15 (A) Class B felony or Class C felony, for a crime committed  
 16 before July 1, 2014; or  
 17 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a  
 18 crime committed after June 30, 2014;  
 19 (22) escape (IC 35-44.1-3-4) as a:  
 20 (A) Class B felony or Class C felony, for a crime committed  
 21 before July 1, 2014; or  
 22 (B) Level 4 felony or Level 5 felony, for a crime committed  
 23 after June 30, 2014;  
 24 (23) trafficking with an inmate (IC 35-44.1-3-5) as a:  
 25 (A) Class C felony, for a crime committed before July 1, 2014;  
 26 or  
 27 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 28 (24) criminal organization intimidation (IC 35-45-9-4);  
 29 (25) stalking (IC 35-45-10-5) as a:  
 30 (A) Class B felony or Class C felony, for a crime committed  
 31 before July 1, 2014; or  
 32 (B) Level 4 felony or Level 5 felony, for a crime committed  
 33 after June 30, 2014;  
 34 (26) incest (IC 35-46-1-3);  
 35 (27) dealing in or manufacturing cocaine or a narcotic drug (IC  
 36 35-48-4-1);  
 37 (28) dealing in methamphetamine (IC 35-48-4-1.1) or  
 38 manufacturing methamphetamine (IC 35-48-4-1.2);  
 39 (29) dealing in a schedule I, II, or III controlled substance (IC  
 40 35-48-4-2);  
 41 (30) dealing in a schedule IV controlled substance (IC 35-48-4-3);  
 42 (31) dealing in a schedule V controlled substance (IC 35-48-4-4);



1           or  
2           (32) dealing in a controlled substance resulting in death **or**  
3           **serious bodily injury** (IC 35-42-1-1.5).  
4           (c) A serious violent felon who knowingly or intentionally possesses  
5           a firearm commits unlawful possession of a firearm by a serious violent  
6           felon, a Level 4 felony.

