

HOUSE BILL No. 1234

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-23-19-1; IC 16-31-3-23.7; IC 35-31.5-2-235.7; IC 35-33-5-1; IC 35-48-4-7.5.

Synopsis: Drug overdoses. Allows mental health and addiction forensic treatment services to be provided to individuals charged, after June 30, 2018, with a misdemeanor offense. Requires specified emergency services personnel to transport an individual who has been administered an overdose intervention drug to the hospital for additional treatment and a blood draw. Provides that probable cause to issue a warrant to test a person's blood for controlled substances exists if: (1) the person is revived after administration of an overdose intervention drug; and (2) certain other conditions are met. Establishes that it is abuse of a controlled substance, a Class A misdemeanor, for an individual to knowingly, intentionally, or recklessly use a controlled substance without a valid prescription.

Effective: July 1, 2018.

Morris, Judy

January 11, 2018, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1234

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 12-23-19-1, AS AMENDED BY P.L.69-2016,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 1. **(a)** As used in this chapter, "mental health and
4 addiction forensic treatment services" means evidence based treatment
5 and recovery wraparound support services that may be provided to
6 individuals in the criminal justice system who are:
7 **(1) charged, after June 30, 2018, with a misdemeanor offense;**
8 **or**
9 **(2) charged with a felony offense, or have a prior felony**
10 **conviction, and have been placed or are eligible to be placed in a**
11 **pretrial services program, community corrections program,**
12 **prosecuting attorney's diversion program, or jail as an alternative**
13 **to commitment to the department of correction.**
14 **(b)** The term includes:
15 (1) mental health and substance abuse treatment, including:
16 (A) addiction counseling;
17 (B) inpatient detoxification;



- 1 (C) case management;
 2 (D) daily living skills; and
 3 (E) medication assisted treatment, including a federal Food
 4 and Drug Administration approved long acting, nonaddictive
 5 medication for the treatment of opioid or alcohol dependence;
 6 (2) vocational services;
 7 (3) housing assistance;
 8 (4) community support services;
 9 (5) care coordination;
 10 (6) transportation assistance; and
 11 (7) mental health and substance abuse assessments.

12 SECTION 2. IC 16-31-3-23.7, AS AMENDED BY P.L.6-2016,
 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2018]: Sec. 23.7. (a) An advanced emergency medical
 15 technician, an emergency medical responder, an emergency medical
 16 technician, a firefighter, a volunteer firefighter, a law enforcement
 17 officer, or a paramedic who:

- 18 (1) administers an overdose intervention drug; or
 19 (2) is summoned immediately after an overdose intervention drug
 20 is administered;
 21 shall inform the emergency ambulance service responsible for
 22 submitting the report to the commission of the number of times an
 23 overdose intervention drug has been administered.

24 (b) The emergency ambulance service shall include information
 25 received under subsection (a) in the emergency ambulance service's
 26 report to the commission under the emergency medical services system
 27 review in accordance with the commission's rules.

28 **(c) A person described in subsection (a) who:**

- 29 **(1) administers an overdose intervention drug; or**
 30 **(2) is summoned immediately after an overdose intervention**
 31 **drug is administered;**
 32 **to an individual shall contact law enforcement, if necessary, and**
 33 **transport the individual to a hospital for further necessary**
 34 **treatment and a blood draw.**

35 SECTION 3. IC 35-31.5-2-235.7, AS ADDED BY P.L.13-2013,
 36 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2018]: Sec. 235.7. "Place", for purposes of
 38 IC 35-33-5-1, has the meaning set forth in ~~IC 35-33-5-1(b).~~
 39 **IC 35-33-5-1(c).**

40 SECTION 4. IC 35-33-5-1, AS AMENDED BY P.L.1-2006,
 41 SECTION 526, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) A court may issue warrants



1 only upon probable cause, supported by oath or affirmation, to search
2 any place for any of the following:

- 3 (1) Property which is obtained unlawfully.
4 (2) Property, the possession of which is unlawful.
5 (3) Property used or possessed with intent to be used as the means
6 of committing an offense or concealed to prevent an offense from
7 being discovered.
8 (4) Property constituting evidence of an offense or tending to
9 show that a particular person committed an offense.
10 (5) Any person.
11 (6) Evidence necessary to enforce statutes enacted to prevent
12 cruelty to or neglect of children.
13 (7) A firearm possessed by a person who is dangerous (as defined
14 in IC 35-47-14-1).

15 **(b) Probable cause to support a warrant authorizing a test of a**
16 **person's blood for controlled substances exists if a court finds all**
17 **of the following:**

- 18 **(1) The person suffered respiratory or central nervous system**
19 **depression consistent with an acute opioid overdose.**
20 **(2) The person's symptoms were significantly alleviated not**
21 **later than fifteen (15) minutes after the person was**
22 **administered an overdose intervention drug (as defined in**
23 **IC 16-18-2-263.9).**
24 **(3) That there is no reason to believe that the person's**
25 **respiratory or central nervous system depression resulted**
26 **from:**
27 **(A) a cause other than opioid overdose; or**
28 **(B) the person's lawful use of opioids.**

29 ~~(b)~~ (c) As used in this section, "place" includes any location where
30 property might be secreted or hidden, including buildings, persons, or
31 vehicles.

32 SECTION 5. IC 35-48-4-7.5 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2018]: **Sec. 7.5. (a) A person who, without a valid prescription or**
35 **order of a practitioner acting in the course of the practitioner's**
36 **professional practice, knowingly, intentionally, or recklessly uses**
37 **a controlled substance (pure or adulterated) classified in schedule**
38 **I, II, III, IV, or V commits abuse of a controlled substance.**

39 **(b) The offense described in subsection (a) is a Class A**
40 **misdemeanor if:**

- 41 **(1) the person suffered respiratory or central nervous system**
42 **depression consistent with an acute opioid overdose; and**



1 **(2) the person's symptoms were significantly alleviated not**
2 **later than fifteen (15) minutes after the person was**
3 **administered an overdose intervention drug (as defined in**
4 **IC 16-18-2-263.9).**
5 **(c) Evidence that:**
6 **(1) metabolites of a controlled substance classified in schedule**
7 **I, II, III, IV, or V were found in the person's blood; and**
8 **(2) the person showed symptoms consistent with the use of the**
9 **controlled substance classified in schedule I, II, III, IV, or V;**
10 **is sufficient for the trier of fact to determine that the person**
11 **knowingly, intentionally, or recklessly used the controlled**
12 **substance.**

