

HOUSE BILL No. 1252

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 certain drugs may be sentenced as a habitual drug dealer if the person has two prior unrelated convictions for dealing certain drugs.

Effective: July 1, 2015.

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January 13, 2015, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1252

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, 2015]: **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, 2015]: **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 (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 for:

- 5 (1) dealing in cocaine or a narcotic drug (IC 35-48-4-1);
6 (2) dealing in methamphetamine (IC 35-48-4-1.1); or
7 (3) dealing in a schedule I, II, III, IV, or V controlled
8 substance (IC 35-48-4-2 through IC 35-48-4-4).

9 (c) A person has accumulated two (2) prior unrelated
10 convictions for purposes of this section only if the offense for which
11 the state seeks to have the person receive an additional sentence
12 was committed after sentencing for the prior unrelated drug
13 dealing convictions.

14 (d) A conviction that is a drug dealing conviction does not count
15 for purposes of this section as a prior unrelated conviction if:

- 16 (1) the conviction has been set aside; or
17 (2) the conviction is one for which the person has been
18 pardoned.

19 (e) A person is a habitual drug dealer if the court finds that the
20 state has proved beyond a reasonable doubt that the person has
21 accumulated two (2) prior unrelated drug dealing convictions for:

- 22 (1) dealing in cocaine or a narcotic drug (IC 35-48-4-1);
23 (2) dealing in methamphetamine (IC 35-48-4-1.1); or
24 (3) dealing in a schedule I, II, III, IV, or V controlled
25 substance (IC 35-48-4-2 through IC 35-48-4-4).

26 (f) The court shall sentence a person found to be a habitual drug
27 dealer to an additional fixed term of imprisonment equal to the
28 sentence imposed for the underlying offense.

