



February 3, 2017

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## HOUSE BILL No. 1406

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DIGEST OF HB 1406 (Updated February 1, 2017 3:14 pm - DI 84)

**Citations Affected:** IC 16-31; IC 20-28; IC 22-15; IC 25-1; IC 34-24; IC 35-31.5; IC 35-42; IC 35-43; IC 35-45; IC 35-46; IC 35-47; IC 35-48; IC 35-50.

**Synopsis:** Manufacturing methamphetamine. Provides that a person who knowingly or intentionally manufactures or finances the manufacture of methamphetamine commits manufacturing methamphetamine, a Level 4 felony. Specifies circumstances under which the crime is a Level 3 or Level 2 felony. Makes conforming amendments.

**Effective:** July 1, 2017.

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## Washburne

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January 17, 2017, read first time and referred to Committee on Courts and Criminal Code.  
February 2, 2017, reported — Do Pass.

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HB 1406—LS 7000/DI 124





February 3, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1406

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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.238-2015,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]: 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 or manufacturing cocaine or a narcotic drug under  
10 IC 35-48-4-1.  
11 (2) Dealing in methamphetamine under IC 35-48-4-1.1.  
12 **(3) Manufacturing methamphetamine under IC 35-48-4-1.2.**  
13 ~~(4)~~ **(4)** Dealing in a schedule I, II, or III controlled substance  
14 under IC 35-48-4-2.  
15 ~~(5)~~ **(5)** Dealing in a schedule IV controlled substance under  
16 IC 35-48-4-3.  
17 ~~(6)~~ **(6)** Dealing in a schedule V controlled substance under

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- 1 IC 35-48-4-4.  
 2 ~~(6)~~ (7) Dealing in a substance represented to be a controlled  
 3 substance under IC 35-48-4-4.5.  
 4 ~~(7)~~ (8) Knowingly or intentionally manufacturing, advertising,  
 5 distributing, or possessing with intent to manufacture, advertise,  
 6 or distribute a substance represented to be a controlled substance  
 7 under IC 35-48-4-4.6.  
 8 ~~(8)~~ (9) Dealing in a counterfeit substance under IC 35-48-4-5.  
 9 ~~(9)~~ (10) Dealing in marijuana, hash oil, hashish, or salvia as a  
 10 felony under IC 35-48-4-10.  
 11 ~~(10)~~ (11) Dealing in a synthetic drug or synthetic drug lookalike  
 12 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)  
 13 before its amendment in 2013).  
 14 ~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense  
 15 listed in this section.  
 16 ~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed  
 17 in this section.  
 18 ~~(13)~~ (14) A crime of violence (as defined in IC 35-50-1-2(a)).  
 19 ~~(14)~~ (15) An offense in any other jurisdiction in which the  
 20 elements of the offense for which the conviction was entered are  
 21 substantially similar to the elements of an offense described under  
 22 this section.

23 SECTION 2. IC 20-28-5-8, AS AMENDED BY P.L.13-2016,  
 24 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2017]: Sec. 8. (a) This section applies when a prosecuting  
 26 attorney knows that a licensed employee of a public school or a  
 27 nonpublic school has been convicted of an offense listed in subsection  
 28 (c). The prosecuting attorney shall immediately give written notice of  
 29 the conviction to the following:

- 30 (1) The state superintendent.  
 31 (2) Except as provided in subdivision (3), the superintendent of  
 32 the school corporation that employs the licensed employee or the  
 33 equivalent authority if a nonpublic school employs the licensed  
 34 employee.  
 35 (3) The presiding officer of the governing body of the school  
 36 corporation that employs the licensed employee, if the convicted  
 37 licensed employee is the superintendent of the school corporation.  
 38 (b) The superintendent of a school corporation, presiding officer of  
 39 the governing body, or equivalent authority for a nonpublic school shall  
 40 immediately notify the state superintendent when the individual knows  
 41 that a current or former licensed employee of the public school or  
 42 nonpublic school has been convicted of an offense listed in subsection



1 (c), or when the governing body or equivalent authority for a nonpublic  
 2 school takes any final action in relation to an employee who engaged  
 3 in any offense listed in subsection (c).

4 (c) The department, after holding a hearing on the matter, shall  
 5 permanently revoke the license of a person who is known by the  
 6 department to have been convicted of any of the following felonies:

- 7 (1) Kidnapping (IC 35-42-3-2).  
 8 (2) Criminal confinement (IC 35-42-3-3).  
 9 (3) Rape (IC 35-42-4-1).  
 10 (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).  
 11 (5) Child molesting (IC 35-42-4-3).  
 12 (6) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).  
 13 (7) Vicarious sexual gratification (IC 35-42-4-5).  
 14 (8) Child solicitation (IC 35-42-4-6).  
 15 (9) Child seduction (IC 35-42-4-7).  
 16 (10) Sexual misconduct with a minor (IC 35-42-4-9).  
 17 (11) Incest (IC 35-46-1-3).  
 18 (12) Dealing in or manufacturing cocaine or a narcotic drug  
 19 (IC 35-48-4-1).  
 20 (13) Dealing in methamphetamine (IC 35-48-4-1.1).  
 21 **(14) Manufacturing methamphetamine (IC 35-48-4-1.2).**  
 22 ~~(14)~~ **(15)** Dealing in a schedule I, II, or III controlled substance  
 23 (IC 35-48-4-2).  
 24 ~~(15)~~ **(16)** Dealing in a schedule IV controlled substance  
 25 (IC 35-48-4-3).  
 26 ~~(16)~~ **(17)** Dealing in a schedule V controlled substance  
 27 (IC 35-48-4-4).  
 28 ~~(17)~~ **(18)** Dealing in a counterfeit substance (IC 35-48-4-5).  
 29 ~~(18)~~ **(19)** Dealing in marijuana, hash oil, hashish, or salvia as a  
 30 felony (IC 35-48-4-10).  
 31 ~~(19)~~ **(20)** Dealing in a synthetic drug or synthetic drug lookalike  
 32 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its  
 33 amendment in 2013).  
 34 ~~(20)~~ **(21)** Possession of child pornography (IC 35-42-4-4(d) or  
 35 IC 35-42-4-4(e)).  
 36 ~~(21)~~ **(22)** Homicide (IC 35-42-1).  
 37 ~~(22)~~ **(23)** Voluntary manslaughter (IC 35-42-1-3).  
 38 ~~(23)~~ **(24)** Reckless homicide (IC 35-42-1-5).  
 39 ~~(24)~~ **(25)** Battery as any of the following:  
 40 (A) A Class A felony (for a crime committed before July 1,  
 41 2014) or a Level 2 felony (for a crime committed after June  
 42 30, 2014).



- 1 (B) A Class B felony (for a crime committed before July 1,  
 2 2014) or a Level 3 felony (for a crime committed after June  
 3 30, 2014).  
 4 (C) A Class C felony (for a crime committed before July 1,  
 5 2014) or a Level 5 felony (for a crime committed after June  
 6 30, 2014).  
 7 ~~(25)~~ **(26)** Aggravated battery (IC 35-42-2-1.5).  
 8 ~~(26)~~ **(27)** Robbery (IC 35-42-5-1).  
 9 ~~(27)~~ **(28)** Carjacking (IC 35-42-5-2) (before its repeal).  
 10 ~~(28)~~ **(29)** Arson as a Class A felony or Class B felony (for a crime  
 11 committed before July 1, 2014) or as a Level 2, Level 3, or Level  
 12 4 felony (for a crime committed after June 30, 2014)  
 13 (IC 35-43-1-1(a)).  
 14 ~~(29)~~ **(30)** Burglary as a Class A felony or Class B felony (for a  
 15 crime committed before July 1, 2014) or as a Level 1, Level 2,  
 16 Level 3, or Level 4 felony (for a crime committed after June 30,  
 17 2014) (IC 35-43-2-1).  
 18 ~~(30)~~ **(31)** Attempt under IC 35-41-5-1 to commit an offense listed  
 19 in this subsection.  
 20 ~~(31)~~ **(32)** Conspiracy under IC 35-41-5-2 to commit an offense  
 21 listed in this subsection.  
 22 (d) The department, after holding a hearing on the matter, shall  
 23 permanently revoke the license of a person who is known by the  
 24 department to have been convicted of a federal offense or an offense in  
 25 another state that is comparable to a felony listed in subsection (c).  
 26 (e) A license may be suspended by the state superintendent as  
 27 specified in IC 20-28-7.5.  
 28 (f) The department shall develop a data base of information on  
 29 school corporation employees who have been reported to the  
 30 department under this section.  
 31 SECTION 3. IC 22-15-5-16, AS AMENDED BY THE  
 32 TECHNICAL CORRECTIONS BILL OF THE 2017 GENERAL  
 33 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2017]: Sec. 16. (a) A practitioner shall comply with the  
 35 standards established under this licensing program. A practitioner is  
 36 subject to the exercise of the disciplinary sanctions under subsection  
 37 (b) if the department finds that a practitioner has:  
 38 (1) engaged in or knowingly cooperated in fraud or material  
 39 deception in order to obtain a license to practice, including  
 40 cheating on a licensing examination;  
 41 (2) engaged in fraud or material deception in the course of  
 42 professional services or activities;



- 1 (3) advertised services or goods in a false or misleading manner;  
 2 (4) falsified or knowingly allowed another person to falsify  
 3 attendance records or certificates of completion of continuing  
 4 education courses provided under this chapter;  
 5 (5) been convicted of a crime that has a direct bearing on the  
 6 practitioner's ability to continue to practice competently;  
 7 (6) knowingly violated a state statute or rule or federal statute or  
 8 regulation regulating the profession for which the practitioner is  
 9 licensed;  
 10 (7) continued to practice although the practitioner has become  
 11 unfit to practice due to:  
 12 (A) professional incompetence;  
 13 (B) failure to keep abreast of current professional theory or  
 14 practice;  
 15 (C) physical or mental disability; or  
 16 (D) addiction to, abuse of, or severe dependency on alcohol or  
 17 other drugs that endanger the public by impairing a  
 18 practitioner's ability to practice safely;  
 19 (8) engaged in a course of lewd or immoral conduct in connection  
 20 with the delivery of services to the public;  
 21 (9) allowed the practitioner's name or a license issued under this  
 22 chapter to be used in connection with an individual or business  
 23 who renders services beyond the scope of that individual's or  
 24 business's training, experience, or competence;  
 25 (10) had disciplinary action taken against the practitioner or the  
 26 practitioner's license to practice in another state or jurisdiction on  
 27 grounds similar to those under this chapter;  
 28 (11) assisted another person in committing an act that would  
 29 constitute a ground for disciplinary sanction under this chapter;  
 30 or  
 31 (12) allowed a license issued by the department to be:  
 32 (A) used by another person; or  
 33 (B) displayed to the public when the license has expired, is  
 34 inactive, is invalid, or has been revoked or suspended.
- 35 For purposes of subdivision (10), a certified copy of a record of  
 36 disciplinary action constitutes prima facie evidence of a disciplinary  
 37 action in another jurisdiction.
- 38 (b) The department may impose one (1) or more of the following  
 39 sanctions if the department finds that a practitioner is subject to  
 40 disciplinary sanctions under subsection (a):  
 41 (1) Permanent revocation of a practitioner's license.  
 42 (2) Suspension of a practitioner's license.



1 (3) Censure of a practitioner.  
 2 (4) Issuance of a letter of reprimand.  
 3 (5) ~~Assess~~ **Assessment of** a civil penalty against the practitioner  
 4 in accordance with the following:

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

9 (B) When imposing a civil penalty, the department shall  
 10 consider a practitioner's ability to pay the amount assessed. If  
 11 the practitioner fails to pay the civil penalty within the time  
 12 specified by the department, the department may suspend the  
 13 practitioner's license without additional proceedings. However,  
 14 a suspension may not be imposed if the sole basis for the  
 15 suspension is the practitioner's inability to pay a civil penalty.

16 (6) ~~Place~~ **Placement of** a practitioner on probation status and  
 17 ~~require~~ **requirement of** the practitioner to:

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

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

21 (C) continue or renew professional education approved by the  
 22 department until a satisfactory degree of skill has been attained  
 23 in those areas that are the basis of the probation; or

24 (D) perform or refrain from performing any acts, including  
 25 community restitution or service without compensation, that  
 26 the department considers appropriate to the public interest or  
 27 to the rehabilitation or treatment of the practitioner.

28 The department may withdraw or modify this probation if the  
 29 department finds after a hearing that the deficiency that required  
 30 disciplinary action has been remedied or that changed  
 31 circumstances warrant a modification of the order.

32 (c) If an applicant or a practitioner has engaged in or knowingly  
 33 cooperated in fraud or material deception to obtain a license to  
 34 practice, including cheating on the licensing examination, the  
 35 department may rescind the license if it has been granted, void the  
 36 examination or other fraudulent or deceptive material, and prohibit the  
 37 applicant from reapplying for the license for a length of time  
 38 established by the department.

39 (d) The department may deny licensure to an applicant who has had  
 40 disciplinary action taken against the applicant or the applicant's license  
 41 to practice in another state or jurisdiction or who has practiced without  
 42 a license in violation of the law. A certified copy of the record of





1 disciplinary action is conclusive evidence of the other jurisdiction's  
2 disciplinary action.

3 (e) The department may order a practitioner to submit to a  
4 reasonable physical or mental examination if the practitioner's physical  
5 or mental capacity to practice safely and competently is at issue in a  
6 disciplinary proceeding. Failure to comply with a department order to  
7 submit to a physical or mental examination makes a practitioner liable  
8 to temporary suspension under subsection (j).

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

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

18 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

19 (2) Possession of methamphetamine under IC 35-48-4-6.1.

20 (3) Possession of a controlled substance under IC 35-48-4-7(a).

21 (4) Fraudulently obtaining a controlled substance under  
22 IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or  
23 IC 35-48-4-7(c) (for a crime committed after June 30, 2014).

24 (5) Manufacture of paraphernalia as a Class D felony (for a crime  
25 committed before July 1, 2014) or a Level 6 felony (for a crime  
26 committed after June 30, 2014) under IC 35-48-4-8.1(b).

27 (6) Dealing in paraphernalia as a Class D felony (for a crime  
28 committed before July 1, 2014) or a Level 6 felony (for a crime  
29 committed after June 30, 2014) under IC 35-48-4-8.5(b).

30 (7) Possession of paraphernalia as a Class D felony (for a crime  
31 committed before July 1, 2014) or a Level 6 felony (for a crime  
32 committed after June 30, 2014) under IC 35-48-4-8.3(b) **(before  
33 its amendment on July 1, 2015).**

34 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class  
35 D felony (for a crime committed before July 1, 2014) or a Level  
36 6 felony (for a crime committed after June 30, 2014) under  
37 IC 35-48-4-11.

38 (9) Possession of a synthetic drug or synthetic drug lookalike  
39 substance as a:

40 (A) Class D felony for a crime committed before July 1, 2014,  
41 under:

42 (i) IC 35-48-4-11, before its amendment in 2013; or



- 1 (ii) IC 35-48-4-11.5; or  
 2 (B) Level 6 felony for a crime committed after June 30, 2014,  
 3 under IC 35-48-4-11.5.  
 4 (10) Maintaining a common nuisance under IC 35-48-4-13  
 5 (repealed) or IC 35-45-1-5, if the common nuisance involves a  
 6 controlled substance.  
 7 (11) An offense relating to registration, labeling, and prescription  
 8 forms under IC 35-48-4-14.  
 9 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed  
 10 in this subsection.  
 11 (13) Attempt under IC 35-41-5-1 to commit an offense listed in  
 12 this subsection.  
 13 (14) An offense in any other jurisdiction in which the elements of  
 14 the offense for which the conviction was entered are substantially  
 15 similar to the elements of an offense described in this subsection.  
 16 (h) The department shall deny, revoke, or suspend a license issued  
 17 under this chapter if the individual who holds the license is convicted  
 18 of any of the following:  
 19 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.  
 20 (2) Dealing in methamphetamine under IC 35-48-4-1.1.  
 21 **(3) Manufacturing methamphetamine under IC 35-48-4-1.2.**  
 22 ~~(3)~~ **(4)** Dealing in a schedule I, II, or III controlled substance  
 23 under IC 35-48-4-2.  
 24 ~~(4)~~ **(5)** Dealing in a schedule IV controlled substance under  
 25 IC 35-48-4-3.  
 26 ~~(5)~~ **(6)** Dealing in a schedule V controlled substance under  
 27 IC 35-48-4-4.  
 28 ~~(6)~~ **(7)** Dealing in a substance represented to be a controlled  
 29 substance under IC 35-48-4-4.5.  
 30 ~~(7)~~ **(8)** Knowingly or intentionally manufacturing, advertising,  
 31 distributing, or possessing with intent to manufacture, advertise,  
 32 or distribute a substance represented to be a controlled substance  
 33 under IC 35-48-4-4.6.  
 34 ~~(8)~~ **(9)** Dealing in a counterfeit substance under IC 35-48-4-5.  
 35 ~~(9)~~ **(10)** Dealing in marijuana, hash oil, hashish, or salvia as a  
 36 felony under IC 35-48-4-10.  
 37 ~~(10)~~ **(11)** Dealing in a synthetic drug or synthetic drug lookalike  
 38 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)  
 39 before its amendment in 2013).  
 40 ~~(11)~~ **(12)** Conspiracy under IC 35-41-5-2 to commit an offense  
 41 listed in this subsection.  
 42 ~~(12)~~ **(13)** Attempt under IC 35-41-5-1 to commit an offense listed



1 in this subsection.

2 ~~(13)~~ **(14)** An offense in any other jurisdiction in which the  
3 elements of the offense for which the conviction was entered are  
4 substantially similar to the elements of an offense described in  
5 this subsection.

6 ~~(14)~~ **(15)** A violation of any federal or state drug law or rule  
7 related to wholesale legend drug distributors licensed under  
8 IC 25-26-14.

9 (i) A decision of the department under subsections (b) through (h)  
10 may be appealed to the commission under IC 4-21.5-3-7.

11 (j) The department may temporarily suspend a practitioner's license  
12 under IC 4-21.5-4 before a final adjudication or during the appeals  
13 process if the department finds that a practitioner represents a clear and  
14 immediate danger to the public's health, safety, or property if the  
15 practitioner is allowed to continue to practice.

16 (k) On receipt of a complaint or an information alleging that a  
17 person licensed under this chapter has engaged in or is engaging in a  
18 practice that jeopardizes the public health, safety, or welfare, the  
19 department shall initiate an investigation against the person.

20 (l) Any complaint filed with the office of the attorney general  
21 alleging a violation of this licensing program shall be referred to the  
22 department for summary review and for its general information and any  
23 authorized action at the time of the filing.

24 (m) The department shall conduct a fact finding investigation as the  
25 department considers proper in relation to the complaint.

26 (n) The department may reinstate a license that has been suspended  
27 under this section if, after a hearing, the department is satisfied that the  
28 applicant is able to practice with reasonable skill, safety, and  
29 competency to the public. As a condition of reinstatement, the  
30 department may impose disciplinary or corrective measures authorized  
31 under this chapter.

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

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

40 (q) A practitioner may petition the department to accept the  
41 surrender of the practitioner's license instead of having a hearing before  
42 the commission. The practitioner may not surrender the practitioner's



1 license without the written approval of the department, and the  
 2 department may impose any conditions appropriate to the surrender or  
 3 reinstatement of a surrendered license.

4 (r) A practitioner who has been subjected to disciplinary sanctions  
 5 may be required by the commission to pay the costs of the proceeding.  
 6 The practitioner's ability to pay shall be considered when costs are  
 7 assessed. If the practitioner fails to pay the costs, a suspension may not  
 8 be imposed solely upon the practitioner's inability to pay the amount  
 9 assessed. The costs are limited to costs for the following:

- 10 (1) Court reporters.
- 11 (2) Transcripts.
- 12 (3) Certification of documents.
- 13 (4) Photo duplication.
- 14 (5) Witness attendance and mileage fees.
- 15 (6) Postage.
- 16 (7) Expert witnesses.
- 17 (8) Depositions.
- 18 (9) Notarizations.

19 SECTION 4. IC 25-1-1.1-3, AS AMENDED BY P.L.238-2015,  
 20 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2017]: Sec. 3. A board, a commission, or a committee shall  
 22 revoke or suspend a license or certificate issued under this title by the  
 23 board, the commission, or the committee if the individual who holds  
 24 the license or certificate is convicted of any of the following:

- 25 (1) Dealing in or manufacturing cocaine or a narcotic drug under  
 26 IC 35-48-4-1.
- 27 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- 28 **(3) Manufacturing methamphetamine under IC 35-48-4-1.2.**
- 29 ~~(3)~~ **(4)** Dealing in a schedule I, II, or III controlled substance  
 30 under IC 35-48-4-2.
- 31 ~~(4)~~ **(5)** Dealing in a schedule IV controlled substance under  
 32 IC 35-48-4-3.
- 33 ~~(5)~~ **(6)** Dealing in a schedule V controlled substance under  
 34 IC 35-48-4-4.
- 35 ~~(6)~~ **(7)** Dealing in a substance represented to be a controlled  
 36 substance under IC 35-48-4-4.5.
- 37 ~~(7)~~ **(8)** Knowingly or intentionally manufacturing, advertising,  
 38 distributing, or possessing with intent to manufacture, advertise,  
 39 or distribute a substance represented to be a controlled substance  
 40 under IC 35-48-4-4.6.
- 41 ~~(8)~~ **(9)** Dealing in a counterfeit substance under IC 35-48-4-5.
- 42 ~~(9)~~ **(10)** Dealing in marijuana, hash oil, hashish, or salvia as a



- 1 felony under IC 35-48-4-10.
- 2 ~~(10)~~ **(11)** Dealing in a synthetic drug or synthetic drug lookalike
- 3 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)
- 4 before its amendment in 2013).
- 5 ~~(11)~~ **(12)** Conspiracy under IC 35-41-5-2 to commit an offense
- 6 listed in this section.
- 7 ~~(12)~~ **(13)** Attempt under IC 35-41-5-1 to commit an offense listed
- 8 in this section.
- 9 ~~(13)~~ **(14)** An offense in any other jurisdiction in which the
- 10 elements of the offense for which the conviction was entered are
- 11 substantially similar to the elements of an offense described in
- 12 this section.
- 13 ~~(14)~~ **(15)** A violation of any federal or state drug law or rule
- 14 related to wholesale legend drug distributors licensed under
- 15 IC 25-26-14.
- 16 SECTION 5. IC 34-24-1-1, AS AMENDED BY P.L.237-2015,
- 17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2017]: Sec. 1. (a) The following may be seized:
- 19 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
- 20 or are intended for use by the person or persons in possession of
- 21 them to transport or in any manner to facilitate the transportation
- 22 of the following:
- 23 (A) A controlled substance for the purpose of committing,
- 24 attempting to commit, or conspiring to commit any of the
- 25 following:
- 26 (i) Dealing in or manufacturing cocaine or a narcotic drug
- 27 (IC 35-48-4-1).
- 28 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- 29 **(iii) Manufacturing methamphetamine (IC 35-48-4-1.2).**
- 30 ~~(iii)~~ **(iv)** Dealing in a schedule I, II, or III controlled
- 31 substance (IC 35-48-4-2).
- 32 ~~(iv)~~ **(v)** Dealing in a schedule IV controlled substance
- 33 (IC 35-48-4-3).
- 34 ~~(v)~~ **(vi)** Dealing in a schedule V controlled substance
- 35 (IC 35-48-4-4).
- 36 ~~(vi)~~ **(vii)** Dealing in a counterfeit substance (IC 35-48-4-5).
- 37 ~~(vii)~~ **(viii)** Possession of cocaine or a narcotic drug
- 38 (IC 35-48-4-6).
- 39 ~~(viii)~~ **(ix)** Possession of methamphetamine (IC 35-48-4-6.1).
- 40 ~~(ix)~~ **(x)** Dealing in paraphernalia (IC 35-48-4-8.5).
- 41 ~~(x)~~ **(xi)** Dealing in marijuana, hash oil, hashish, or salvia
- 42 (IC 35-48-4-10).



- 1           ~~(xi)~~ **(xii)** Dealing in a synthetic drug or synthetic drug  
2           lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10  
3           before its amendment in 2013).  
4           (B) Any stolen (IC 35-43-4-2) or converted property  
5           (IC 35-43-4-3) if the retail or repurchase value of that property  
6           is one hundred dollars (\$100) or more.  
7           (C) Any hazardous waste in violation of IC 13-30-10-1.5.  
8           (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of  
9           mass destruction (as defined in IC 35-31.5-2-354) used to  
10          commit, used in an attempt to commit, or used in a conspiracy  
11          to commit an offense under IC 35-47 as part of or in  
12          furtherance of an act of terrorism (as defined by  
13          IC 35-31.5-2-329).  
14          (2) All money, negotiable instruments, securities, weapons,  
15          communications devices, or any property used to commit, used in  
16          an attempt to commit, or used in a conspiracy to commit an  
17          offense under IC 35-47 as part of or in furtherance of an act of  
18          terrorism or commonly used as consideration for a violation of  
19          IC 35-48-4 (other than items subject to forfeiture under  
20          IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):  
21                (A) furnished or intended to be furnished by any person in  
22                exchange for an act that is in violation of a criminal statute;  
23                (B) used to facilitate any violation of a criminal statute; or  
24                (C) traceable as proceeds of the violation of a criminal statute.  
25          (3) Any portion of real or personal property purchased with  
26          money that is traceable as a proceed of a violation of a criminal  
27          statute.  
28          (4) A vehicle that is used by a person to:  
29                (A) commit, attempt to commit, or conspire to commit;  
30                (B) facilitate the commission of; or  
31                (C) escape from the commission of;  
32          murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal  
33          confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting  
34          (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense  
35          under IC 35-47 as part of or in furtherance of an act of terrorism.  
36          (5) Real property owned by a person who uses it to commit any of  
37          the following as a Level 1, Level 2, Level 3, Level 4, or Level 5  
38          felony:  
39                (A) Dealing in or manufacturing cocaine or a narcotic drug  
40                (IC 35-48-4-1).  
41                (B) Dealing in methamphetamine (IC 35-48-4-1.1).  
42                (C) **Manufacturing methamphetamine (IC 35-48-4-1.2).**



- 1           ~~(D)~~ **(D)** Dealing in a schedule I, II, or III controlled substance  
2           (IC 35-48-4-2).
- 3           ~~(E)~~ **(E)** Dealing in a schedule IV controlled substance  
4           (IC 35-48-4-3).
- 5           ~~(F)~~ **(F)** Dealing in marijuana, hash oil, hashish, or salvia  
6           (IC 35-48-4-10).
- 7           ~~(G)~~ **(G)** Dealing in a synthetic drug or synthetic drug lookalike  
8           substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its  
9           amendment in 2013).
- 10          (6) Equipment and recordings used by a person to commit fraud  
11          under IC 35-43-5-4(10).
- 12          (7) Recordings sold, rented, transported, or possessed by a person  
13          in violation of IC 24-4-10.
- 14          (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as  
15          defined by IC 35-45-6-1) that is the object of a corrupt business  
16          influence violation (IC 35-45-6-2).
- 17          (9) Unlawful telecommunications devices (as defined in  
18          IC 35-45-13-6) and plans, instructions, or publications used to  
19          commit an offense under IC 35-45-13.
- 20          (10) Any equipment, including computer equipment and cellular  
21          telephones, used for or intended for use in preparing,  
22          photographing, recording, videotaping, digitizing, printing,  
23          copying, or disseminating matter in violation of IC 35-42-4.
- 24          (11) Destructive devices used, possessed, transported, or sold in  
25          violation of IC 35-47.5.
- 26          (12) Tobacco products that are sold in violation of IC 24-3-5,  
27          tobacco products that a person attempts to sell in violation of  
28          IC 24-3-5, and other personal property owned and used by a  
29          person to facilitate a violation of IC 24-3-5.
- 30          (13) Property used by a person to commit counterfeiting or  
31          forgery in violation of IC 35-43-5-2.
- 32          (14) After December 31, 2005, if a person is convicted of an  
33          offense specified in IC 25-26-14-26(b) or IC 35-43-10, the  
34          following real or personal property:
- 35                 (A) Property used or intended to be used to commit, facilitate,  
36                 or promote the commission of the offense.
- 37                 (B) Property constituting, derived from, or traceable to the  
38                 gross proceeds that the person obtained directly or indirectly  
39                 as a result of the offense.
- 40          (15) Except as provided in subsection (e), a vehicle used by a  
41          person who operates the vehicle:
- 42                 (A) while intoxicated, in violation of IC 9-30-5-1 through



- 1 IC 9-30-5-5, if in the previous five (5) years the person has two  
 2 (2) or more prior unrelated convictions:  
 3 (i) for operating a motor vehicle while intoxicated in  
 4 violation of IC 9-30-5-1 through IC 9-30-5-5; or  
 5 (ii) for an offense that is substantially similar to IC 9-30-5-1  
 6 through IC 9-30-5-5 in another jurisdiction; or  
 7 (B) on a highway while the person's driving privileges are  
 8 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,  
 9 if in the previous five (5) years the person has two (2) or more  
 10 prior unrelated convictions:  
 11 (i) for operating a vehicle while intoxicated in violation of  
 12 IC 9-30-5-1 through IC 9-30-5-5; or  
 13 (ii) for an offense that is substantially similar to IC 9-30-5-1  
 14 through IC 9-30-5-5 in another jurisdiction.
- 15 If a court orders the seizure of a vehicle under this subdivision,  
 16 the court shall transmit an order to the bureau of motor vehicles  
 17 recommending that the bureau not permit a vehicle to be  
 18 registered in the name of the person whose vehicle was seized  
 19 until the person possesses a current driving license (as defined in  
 20 IC 9-13-2-41).
- 21 (16) The following real or personal property:  
 22 (A) Property used or intended to be used to commit, facilitate,  
 23 or promote the commission of an offense specified in  
 24 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or  
 25 IC 30-2-13-38(f).  
 26 (B) Property constituting, derived from, or traceable to the  
 27 gross proceeds that a person obtains directly or indirectly as a  
 28 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),  
 29 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 30 (17) An automated sales suppression device (as defined in  
 31 IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in  
 32 IC 35-43-5-4.6(a)(3)).
- 33 (18) Real or personal property, including a vehicle, that is used by  
 34 a person to:  
 35 (A) commit, attempt to commit, or conspire to commit;  
 36 (B) facilitate the commission of; or  
 37 (C) escape from the commission of;  
 38 a violation of IC 35-42-3.5-1 (human trafficking) or IC 35-45-4-4  
 39 (promoting prostitution).
- 40 (b) A vehicle used by any person as a common or contract carrier in  
 41 the transaction of business as a common or contract carrier is not  
 42 subject to seizure under this section, unless it can be proven by a





1 preponderance of the evidence that the owner of the vehicle knowingly  
 2 permitted the vehicle to be used to engage in conduct that subjects it to  
 3 seizure under subsection (a).

4 (c) Equipment under subsection (a)(10) may not be seized unless it  
 5 can be proven by a preponderance of the evidence that the owner of the  
 6 equipment knowingly permitted the equipment to be used to engage in  
 7 conduct that subjects it to seizure under subsection (a)(10).

8 (d) Money, negotiable instruments, securities, weapons,  
 9 communications devices, or any property commonly used as  
 10 consideration for a violation of IC 35-48-4 found near or on a person  
 11 who is committing, attempting to commit, or conspiring to commit any  
 12 of the following offenses shall be admitted into evidence in an action  
 13 under this chapter as prima facie evidence that the money, negotiable  
 14 instrument, security, or other thing of value is property that has been  
 15 used or was to have been used to facilitate the violation of a criminal  
 16 statute or is the proceeds of the violation of a criminal statute:

17 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a  
 18 narcotic drug).

19 (2) IC 35-48-4-1.1 (dealing in methamphetamine).

20 **(3) IC 35-48-4-1.2 (manufacturing methamphetamine).**

21 ~~(4)~~ **(4)** IC 35-48-4-2 (dealing in a schedule I, II, or III controlled  
 22 substance).

23 ~~(4)~~ **(5)** IC 35-48-4-3 (dealing in a schedule IV controlled  
 24 substance).

25 ~~(5)~~ **(6)** IC 35-48-4-4 (dealing in a schedule V controlled  
 26 substance) as a Level 4 felony.

27 ~~(6)~~ **(7)** IC 35-48-4-6 (possession of cocaine or a narcotic drug) as  
 28 a Level 3, Level 4, or Level 5 felony.

29 ~~(7)~~ **(8)** IC 35-48-4-6.1 (possession of methamphetamine) as a  
 30 Level 3, Level 4, or Level 5 felony.

31 ~~(8)~~ **(9)** IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or  
 32 salvia) as a Level 5 felony.

33 ~~(9)~~ **(10)** IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic  
 34 drug lookalike substance) as a Level 5 felony or Level 6 felony  
 35 (or as a Class C felony or Class D felony under IC 35-48-4-10  
 36 before its amendment in 2013).

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

38 (1) an owner of the vehicle; or

39 (2) the spouse of the person who owns the vehicle;

40 is not subject to seizure under subsection (a)(15) unless it can be  
 41 proven by a preponderance of the evidence that the owner of the  
 42 vehicle knowingly permitted the vehicle to be used to engage in



1 conduct that subjects it to seizure under subsection (a)(15).

2 SECTION 6. IC 35-31.5-2-217, AS ADDED BY P.L.114-2012,  
3 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2017]: Sec. 217. "Offense relating to controlled substances"  
5 means the following:

6 (1) Dealing in or manufacturing cocaine or a narcotic drug  
7 (IC 35-48-4-1).

8 (2) Dealing in methamphetamine (IC 35-48-4-1.1).

9 **(3) Manufacturing methamphetamine (IC 35-48-4-1.2).**

10 ~~(3)~~ **(4)** Dealing in a schedule I, II, or III controlled substance  
11 (IC 35-48-4-2).

12 ~~(4)~~ **(5)** Dealing in a schedule IV controlled substance  
13 (IC 35-48-4-3).

14 ~~(5)~~ **(6)** Dealing in a schedule V controlled substance  
15 (IC 35-48-4-4).

16 ~~(6)~~ **(7)** Possession of cocaine or a narcotic drug (IC 35-48-4-6).

17 ~~(7)~~ **(8)** Possession of methamphetamine (IC 35-48-4-6.1).

18 ~~(8)~~ **(9)** Possession of a controlled substance (IC 35-48-4-7).

19 ~~(9)~~ **(10)** Possession of paraphernalia (IC 35-48-4-8.3).

20 ~~(10)~~ **(11)** Dealing in paraphernalia (IC 35-48-4-8.5).

21 ~~(11)~~ **(12)** Offenses relating to registration (IC 35-48-4-14).

22 SECTION 7. IC 35-42-1-1, AS AMENDED BY P.L.168-2014,  
23 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2017]: Sec. 1. A person who:

25 (1) knowingly or intentionally kills another human being;

26 (2) kills another human being while committing or attempting to  
27 commit arson, burglary, child molesting, consumer product  
28 tampering, criminal deviate conduct (under IC 35-42-4-2 before  
29 its repeal), kidnapping, rape, robbery, human trafficking,  
30 promotion of human trafficking, sexual trafficking of a minor, or  
31 carjacking (before its repeal);

32 (3) kills another human being while committing or attempting to  
33 commit:

34 (A) dealing in or manufacturing cocaine or a narcotic drug  
35 (IC 35-48-4-1);

36 (B) dealing in ~~or manufacturing~~ methamphetamine  
37 (IC 35-48-4-1.1);

38 **(C) manufacturing methamphetamine (IC 35-48-4-1.2);**

39 ~~(D)~~ **(D)** dealing in a schedule I, II, or III controlled substance  
40 (IC 35-48-4-2);

41 ~~(E)~~ **(E)** dealing in a schedule IV controlled substance  
42 (IC 35-48-4-3); or



- 1           ~~(E)~~ (F) dealing in a schedule V controlled substance; or  
 2           (4) knowingly or intentionally kills a fetus that has attained  
 3           viability (as defined in IC 16-18-2-365);  
 4           commits murder, a felony.  
 5           SECTION 8. IC 35-43-1-2, AS AMENDED BY P.L.76-2016,  
 6           SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7           JULY 1, 2017]: Sec. 2. (a) A person who recklessly, knowingly, or  
 8           intentionally damages or defaces property of another person without the  
 9           other person's consent commits criminal mischief, a Class B  
 10          misdemeanor. However, the offense is:  
 11          (1) a Class A misdemeanor if the pecuniary loss is at least seven  
 12          hundred fifty dollars (\$750) but less than fifty thousand dollars  
 13          (\$50,000); and  
 14          (2) a Level 6 felony if:  
 15                (A) the pecuniary loss is at least fifty thousand dollars  
 16                (\$50,000);  
 17                (B) the damage causes a substantial interruption or impairment  
 18                of utility service rendered to the public;  
 19                (C) the damage is to a public record; or  
 20                (D) the damage is to a law enforcement animal (as defined in  
 21                IC 35-46-3-4.5).  
 22          (b) A person who recklessly, knowingly, or intentionally damages:  
 23                (1) a structure used for religious worship without the consent of  
 24                the owner, possessor, or occupant of the property that is damaged;  
 25                (2) a school or community center without the consent of the  
 26                owner, possessor, or occupant of the property that is damaged;  
 27                (3) the property of an agricultural operation (as defined in  
 28                IC 32-30-6-1) without the consent of the owner, possessor, or  
 29                occupant of the property that is damaged;  
 30                (4) the grounds:  
 31                    (A) adjacent to; and  
 32                    (B) owned or rented in common with;  
 33                a structure or facility identified in subdivisions (1) through (3)  
 34                without the consent of the owner, possessor, or occupant of the  
 35                property that is damaged;  
 36                (5) personal property contained in a structure or located at a  
 37                facility identified in subdivisions (1) through (3) without the  
 38                consent of the owner, possessor, or occupant of the property that  
 39                is damaged;  
 40                (6) property that is vacant real property (as defined in  
 41                IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6);  
 42                or



1 (7) property after the person has been denied entry to the property  
 2 by a court order that was issued:  
 3 (A) to the person; or  
 4 (B) to the general public by conspicuous posting on or around  
 5 the property in areas where a person could observe the order  
 6 when the property has been designated by a municipality or  
 7 county enforcement authority to be a vacant property, an  
 8 abandoned property, or an abandoned structure (as defined in  
 9 IC 36-7-36-1);  
 10 commits institutional criminal mischief, a Class A misdemeanor.  
 11 However, the offense is a Level 6 felony if the pecuniary loss (or  
 12 property damage, in the case of an agricultural operation) is at least  
 13 seven hundred fifty dollars (\$750) but less than fifty thousand dollars  
 14 (\$50,000), and a Level 5 felony if the pecuniary loss (or property  
 15 damage, in the case of an agricultural operation) is at least fifty  
 16 thousand dollars (\$50,000).  
 17 (c) A person who recklessly, knowingly, or intentionally damages  
 18 property:  
 19 (1) during:  
 20 (A) the dealing or manufacture of or attempted dealing or  
 21 manufacture of cocaine or a narcotic drug (IC 35-48-4-1); ~~or~~  
 22 (B) the dealing or ~~manufacture of or~~ attempted dealing ~~or~~  
 23 ~~manufacture~~ of methamphetamine (IC 35-48-4-1.1); ~~or~~  
 24 **(C) the manufacture of or attempted manufacture of**  
 25 **methamphetamine (IC 35-48-4-1.2);** and  
 26 (2) by means of a fire or an explosion;  
 27 commits controlled substances criminal mischief, a Level 6 felony.  
 28 However, the offense is a Level 5 felony if the offense results in  
 29 moderate bodily injury to any person other than a defendant.  
 30 (d) If a person is convicted of an offense under this section that  
 31 involves the use of graffiti, the court may, in addition to any other  
 32 penalty, order that the person's operator's license be suspended or  
 33 invalidated by the bureau of motor vehicles for not more than one (1)  
 34 year.  
 35 (e) The court may rescind an order for suspension or invalidation  
 36 under subsection (d) and allow the person to receive a license or permit  
 37 before the period of suspension or invalidation ends if the court  
 38 determines that the person has removed or painted over the graffiti or  
 39 has made other suitable restitution.  
 40 (f) For purposes of this section, "pecuniary loss" includes:  
 41 (1) the total costs incurred in inspecting, cleaning, and  
 42 decontaminating property contaminated by a pollutant; and



1 (2) a reasonable estimate of all additional costs not already  
 2 incurred under subdivision (1) that are necessary to inspect, clean,  
 3 and decontaminate property contaminated by a pollutant, to the  
 4 extent that the property has not already been:

- 5 (A) cleaned;  
 6 (B) decontaminated; or  
 7 (C) both cleaned and decontaminated.

8 The term includes inspection, cleaning, or decontamination conducted  
 9 by a person certified under IC 13-14-1-15.

10 SECTION 9. IC 35-45-6-1, AS AMENDED BY P.L.168-2014,  
 11 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2017]: Sec. 1. (a) The definitions in this section apply  
 13 throughout this chapter.

14 (b) "Documentary material" means any document, drawing,  
 15 photograph, recording, or other tangible item containing compiled data  
 16 from which information can be either obtained or translated into a  
 17 usable form.

18 (c) "Enterprise" means:

- 19 (1) a sole proprietorship, corporation, limited liability company,  
 20 partnership, business trust, or governmental entity; or  
 21 (2) a union, an association, or a group, whether a legal entity or  
 22 merely associated in fact.

23 (d) "Pattern of racketeering activity" means engaging in at least two  
 24 (2) incidents of racketeering activity that have the same or similar  
 25 intent, result, accomplice, victim, or method of commission, or that are  
 26 otherwise interrelated by distinguishing characteristics that are not  
 27 isolated incidents. However, the incidents are a pattern of racketeering  
 28 activity only if at least one (1) of the incidents occurred after August  
 29 31, 1980, and if the last of the incidents occurred within five (5) years  
 30 after a prior incident of racketeering activity.

31 (e) "Racketeering activity" means to commit, to attempt to commit,  
 32 to conspire to commit a violation of, or aiding and abetting in a  
 33 violation of any of the following:

- 34 (1) A provision of IC 23-19, or of a rule or order issued under  
 35 IC 23-19.  
 36 (2) A violation of IC 35-45-9.  
 37 (3) A violation of IC 35-47.  
 38 (4) A violation of IC 35-49-3.  
 39 (5) Murder (IC 35-42-1-1).  
 40 (6) Battery as a Class C felony before July 1, 2014, or a Level 5  
 41 felony after June 30, 2014 (IC 35-42-2-1).  
 42 (7) Kidnapping (IC 35-42-3-2).



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



1 (IC 33-43-2-1).

2 ~~(38)~~ **(39)** Dealing in a synthetic drug or synthetic drug lookalike  
3 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its  
4 amendment in 2013).

5 SECTION 10. IC 35-46-1-4, AS AMENDED BY P.L.168-2014,  
6 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2017]: Sec. 4. (a) A person having the care of a dependent,  
8 whether assumed voluntarily or because of a legal obligation, who  
9 knowingly or intentionally:

- 10 (1) places the dependent in a situation that endangers the  
11 dependent's life or health;  
12 (2) abandons or cruelly confines the dependent;  
13 (3) deprives the dependent of necessary support; or  
14 (4) deprives the dependent of education as required by law;  
15 commits neglect of a dependent, a Level 6 felony.

16 (b) However, the offense is:

- 17 (1) a Level 5 felony if it is committed under subsection (a)(1),  
18 (a)(2), or (a)(3) and:

19 (A) results in bodily injury; or

20 (B) is:

- 21 (i) committed in a location where a person is violating  
22 IC 35-48-4-1 (dealing in cocaine or a narcotic drug), ~~or~~  
23 IC 35-48-4-1.1 (dealing in methamphetamine), ~~or~~  
24 **IC 35-48-4-1.2 (manufacturing methamphetamine)**; or  
25 (ii) the result of a violation of IC 35-48-4-1 (dealing in  
26 cocaine or a narcotic drug), ~~or~~ IC 35-48-4-1.1 (dealing in  
27 methamphetamine), ~~or~~ **IC 35-48-4-1.2 (manufacturing**  
28 **methamphetamine)**;

29 (2) a Level 3 felony if it is committed under subsection (a)(1),  
30 (a)(2), or (a)(3) and results in serious bodily injury;

31 (3) a Level 1 felony if it is committed under subsection (a)(1),  
32 (a)(2), or (a)(3) by a person at least eighteen (18) years of age and  
33 results in the death of a dependent who is less than fourteen (14)  
34 years of age; and

35 (4) a Level 5 felony if it is committed under subsection (a)(2) and  
36 consists of cruel confinement or abandonment that:

37 (A) deprives a dependent of necessary food, water, or sanitary  
38 facilities;

39 (B) consists of confinement in an area not intended for human  
40 habitation; or

41 (C) involves the unlawful use of handcuffs, a rope, a cord,  
42 tape, or a similar device to physically restrain a dependent.



1 (c) It is a defense to a prosecution based on an alleged act under this  
2 section that:

3 (1) the accused person left a dependent child who was, at the time  
4 the alleged act occurred, not more than thirty (30) days of age  
5 with an emergency medical provider who took custody of the  
6 child under IC 31-34-2.5 when:

7 (A) the prosecution is based solely on the alleged act of  
8 leaving the child with the emergency medical services  
9 provider; and

10 (B) the alleged act did not result in bodily injury or serious  
11 bodily injury to the child; or

12 (2) the accused person, in the legitimate practice of the accused  
13 person's religious belief, provided treatment by spiritual means  
14 through prayer, in lieu of medical care, to the accused person's  
15 dependent.

16 (d) Except for property transferred or received:

17 (1) under a court order made in connection with a proceeding  
18 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5  
19 or IC 31-6-5 before their repeal); or

20 (2) under section 9(b) of this chapter;

21 a person who transfers or receives any property in consideration for the  
22 termination of the care, custody, or control of a person's dependent  
23 child commits child selling, a Level 6 felony.

24 SECTION 11. IC 35-46-1-8, AS AMENDED BY P.L.158-2013,  
25 SECTION 554, IS AMENDED TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) A person at least eighteen  
27 (18) years of age who knowingly or intentionally encourages, aids,  
28 induces, or causes a person less than eighteen (18) years of age to  
29 commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2)  
30 commits contributing to delinquency, a Class A misdemeanor.

31 (b) However, the offense described in subsection (a) is:

32 (1) a Level 5 felony if:

33 (A) the person committing the offense is at least twenty-one  
34 (21) years of age and knowingly or intentionally furnishes:

35 (i) an alcoholic beverage to a person less than eighteen (18)  
36 years of age in violation of IC 7.1-5-7-8 when the person  
37 committing the offense knew or reasonably should have  
38 known that the person furnished the alcoholic beverage was  
39 less than eighteen (18) years of age; or

40 (ii) a controlled substance (as defined in IC 35-48-1-9) or a  
41 drug (as defined in IC 9-13-2-49.1) in violation of Indiana  
42 law; and





- 1 (B) the consumption, ingestion, or use of the alcoholic  
 2 beverage, controlled substance, or drug is the proximate cause  
 3 of the death of any person; and  
 4 (2) a Level 6 felony if the person committing the offense  
 5 knowingly or intentionally encourages, aids, induces, or causes a  
 6 person less than eighteen (18) years of age to commit an act that  
 7 would be a felony if committed by an adult under any of the  
 8 following:  
 9 (A) IC 35-48-4-1.  
 10 (B) IC 35-48-4-1.1.  
 11 **(C) IC 35-48-4-1.2.**  
 12 ~~(D)~~ (D) IC 35-48-4-2.  
 13 ~~(E)~~ (E) IC 35-48-4-3.  
 14 ~~(F)~~ (F) IC 35-48-4-4.  
 15 ~~(G)~~ (G) IC 35-48-4-4.5.  
 16 ~~(H)~~ (H) IC 35-48-4-4.6.  
 17 ~~(I)~~ (I) IC 35-48-4-5.
- 18 SECTION 12. IC 35-47-4-5, AS AMENDED BY P.L.65-2016,  
 19 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2017]: Sec. 5. (a) As used in this section, "serious violent  
 21 felon" means a person who has been convicted of:  
 22 (1) committing a serious violent felony in:  
 23 (A) Indiana; or  
 24 (B) any other jurisdiction in which the elements of the crime  
 25 for which the conviction was entered are substantially similar  
 26 to the elements of a serious violent felony; or  
 27 (2) attempting to commit or conspiring to commit a serious  
 28 violent felony in:  
 29 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;  
 30 or  
 31 (B) any other jurisdiction in which the elements of the crime  
 32 for which the conviction was entered are substantially similar  
 33 to the elements of attempting to commit or conspiring to  
 34 commit a serious violent felony.
- 35 (b) As used in this section, "serious violent felony" means:  
 36 (1) murder (IC 35-42-1-1);  
 37 (2) voluntary manslaughter (IC 35-42-1-3);  
 38 (3) reckless homicide not committed by means of a vehicle  
 39 (IC 35-42-1-5);  
 40 (4) battery (IC 35-42-2-1) as a:  
 41 (A) Class A felony, Class B felony, or Class C felony, for a  
 42 crime committed before July 1, 2014; or



- 1 (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5  
 2 felony, for a crime committed after June 30, 2014;  
 3 (5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level  
 4 3 felony, Level 4 felony, or Level 5 felony;  
 5 (6) aggravated battery (IC 35-42-2-1.5);  
 6 (7) kidnapping (IC 35-42-3-2);  
 7 (8) criminal confinement (IC 35-42-3-3);  
 8 (9) rape (IC 35-42-4-1);  
 9 (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);  
 10 (11) child molesting (IC 35-42-4-3);  
 11 (12) sexual battery (IC 35-42-4-8) as a:  
 12 (A) Class C felony, for a crime committed before July 1, 2014;  
 13 or  
 14 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 15 (13) robbery (IC 35-42-5-1);  
 16 (14) carjacking (IC 5-42-5-2) (before its repeal);  
 17 (15) arson (IC 35-43-1-1(a)) as a:  
 18 (A) Class A felony or Class B felony, for a crime committed  
 19 before July 1, 2014; or  
 20 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a  
 21 crime committed after June 30, 2014;  
 22 (16) burglary (IC 35-43-2-1) as a:  
 23 (A) Class A felony or Class B felony, for a crime committed  
 24 before July 1, 2014; or  
 25 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4  
 26 felony, for a crime committed after June 30, 2014;  
 27 (17) assisting a criminal (IC 35-44.1-2-5) as a:  
 28 (A) Class C felony, for a crime committed before July 1, 2014;  
 29 or  
 30 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 31 (18) resisting law enforcement (IC 35-44.1-3-1) as a:  
 32 (A) Class B felony or Class C felony, for a crime committed  
 33 before July 1, 2014; or  
 34 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a  
 35 crime committed after June 30, 2014;  
 36 (19) escape (IC 35-44.1-3-4) as a:  
 37 (A) Class B felony or Class C felony, for a crime committed  
 38 before July 1, 2014; or  
 39 (B) Level 4 felony or Level 5 felony, for a crime committed  
 40 after June 30, 2014;  
 41 (20) trafficking with an inmate (IC 35-44.1-3-5) as a:  
 42 (A) Class C felony, for a crime committed before July 1, 2014;



- 1 or  
 2 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 3 (21) criminal organization intimidation (IC 35-45-9-4);  
 4 (22) stalking (IC 35-45-10-5) as a:  
 5 (A) Class B felony or Class C felony, for a crime committed  
 6 before July 1, 2014; or  
 7 (B) Level 4 felony or Level 5 felony, for a crime committed  
 8 after June 30, 2014;  
 9 (23) incest (IC 35-46-1-3);  
 10 (24) dealing in or manufacturing cocaine or a narcotic drug  
 11 (IC 35-48-4-1);  
 12 (25) dealing in methamphetamine (IC 35-48-4-1.1) **or**  
 13 **manufacturing methamphetamine (IC 35-48-4-1.2);**  
 14 (26) dealing in a schedule I, II, or III controlled substance  
 15 (IC 35-48-4-2);  
 16 (27) dealing in a schedule IV controlled substance (IC 35-48-4-3);  
 17 or  
 18 (28) dealing in a schedule V controlled substance (IC 35-48-4-4).  
 19 (c) A serious violent felon who knowingly or intentionally possesses  
 20 a firearm commits unlawful possession of a firearm by a serious violent  
 21 felon, a Level 4 felony.  
 22 SECTION 13. IC 35-48-4-1.1, AS AMENDED BY P.L.44-2016,  
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2017]: Sec. 1.1. (a) A person who:  
 25 (1) knowingly or intentionally:  
 26 ~~(A) manufactures;~~  
 27 ~~(B) finances the manufacture of;~~  
 28 ~~(C) (A) delivers; or~~  
 29 ~~(D) (B) finances the delivery of;~~  
 30 methamphetamine, pure or adulterated; or  
 31 (2) possesses, with intent to:  
 32 ~~(A) manufacture;~~  
 33 ~~(B) finance the manufacture of;~~  
 34 ~~(C) (A) deliver; or~~  
 35 ~~(D) (B) finance the delivery of;~~  
 36 methamphetamine, pure or adulterated;  
 37 commits dealing in methamphetamine, a Level 5 felony, except as  
 38 provided in subsections (b) through (e).  
 39 (b) A person may be convicted of an offense under subsection (a)(2)  
 40 only if:  
 41 (1) there is evidence in addition to the weight of the drug that the  
 42 person intended to ~~manufacture; finance the manufacture of;~~



- 1 deliver or finance the delivery of the drug; or
- 2 (2) the amount of the drug involved is at least twenty-eight (28)
- 3 grams.
- 4 (c) The offense is a Level 4 felony if:
  - 5 (1) the amount of the drug involved is at least one (1) gram but
  - 6 less than five (5) grams; or
  - 7 (2) the amount of the drug involved is less than one (1) gram and
  - 8 an enhancing circumstance applies.
- 9 (d) The offense is a Level 3 felony if:
  - 10 (1) the amount of the drug involved is at least five (5) grams but
  - 11 less than ten (10) grams; or
  - 12 (2) the amount of the drug involved is at least one (1) gram but
  - 13 less than five (5) grams and an enhancing circumstance applies.
- 14 (e) The offense is a Level 2 felony if:
  - 15 (1) the amount of the drug involved is at least ten (10) grams; **or**
  - 16 (2) the amount of the drug involved is at least five (5) grams but
  - 17 less than ten (10) grams and an enhancing circumstance applies.
  - 18 **or**
  - 19 (3) ~~the person is manufacturing the drug and the manufacture~~
  - 20 ~~results in an explosion causing serious bodily injury to a person~~
  - 21 ~~other than the manufacturer.~~
- 22 SECTION 14. IC 35-48-4-1.2 IS ADDED TO THE INDIANA
- 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 24 [EFFECTIVE JULY 1, 2017]: **Sec. 1.2. (a) A person who:**
  - 25 **(1) knowingly or intentionally:**
    - 26 **(A) manufactures; or**
    - 27 **(B) finances the manufacture of;**
    - 28 **methamphetamine, pure or adulterated; or**
  - 29 **(2) possesses, with intent to:**
    - 30 **(A) manufacture; or**
    - 31 **(B) finance the manufacture of;**
    - 32 **methamphetamine, pure or adulterated;**
- 33 **commits manufacturing methamphetamine, a Level 4 felony,**
- 34 **except as provided in subsections (b) and (c).**
- 35 **(b) The offense is a Level 3 felony if:**
  - 36 **(1) the amount of the drug involved is at least five (5) grams**
  - 37 **but less than ten (10) grams; or**
  - 38 **(2) the amount of the drug involved is at least one (1) gram**
  - 39 **but less than five (5) grams and an enhancing circumstance**
  - 40 **applies.**
- 41 **(c) The offense is a Level 2 felony if:**
  - 42 **(1) the amount of the drug involved is at least ten (10) grams;**



- 1           **(2) the amount of the drug involved is at least five (5) grams**  
 2           **but less than ten (10) grams and an enhancing circumstance**  
 3           **applies;**  
 4           **(3) the manufacture of the drug results in serious bodily**  
 5           **injury to a person other than the manufacturer; or**  
 6           **(4) the manufacture of the drug results in the death of a**  
 7           **person other than the manufacturer.**  
 8           SECTION 15. IC 35-48-4-14.5, AS AMENDED BY P.L.168-2014,  
 9           SECTION 105, IS AMENDED TO READ AS FOLLOWS  
 10          [EFFECTIVE JULY 1, 2017]: Sec. 14.5. (a) As used in this section,  
 11          "chemical reagents or precursors" refers to one (1) or more of the  
 12          following:
- 13           (1) Ephedrine.
  - 14           (2) Pseudoephedrine.
  - 15           (3) Phenylpropanolamine.
  - 16           (4) The salts, isomers, and salts of isomers of a substance  
 17           identified in subdivisions (1) through (3).
  - 18           (5) Anhydrous ammonia or ammonia solution (as defined in  
 19           IC 22-11-20-1).
  - 20           (6) Organic solvents.
  - 21           (7) Hydrochloric acid.
  - 22           (8) Lithium metal.
  - 23           (9) Sodium metal.
  - 24           (10) Ether.
  - 25           (11) Sulfuric acid.
  - 26           (12) Red phosphorous.
  - 27           (13) Iodine.
  - 28           (14) Sodium hydroxide (lye).
  - 29           (15) Potassium dichromate.
  - 30           (16) Sodium dichromate.
  - 31           (17) Potassium permanganate.
  - 32           (18) Chromium trioxide.
  - 33           (19) Benzyl cyanide.
  - 34           (20) Phenylacetic acid and its esters or salts.
  - 35           (21) Piperidine and its salts.
  - 36           (22) Methylamine and its salts.
  - 37           (23) Isosafrole.
  - 38           (24) Safrole.
  - 39           (25) Piperonal.
  - 40           (26) Hydriodic acid.
  - 41           (27) Benzaldehyde.
  - 42           (28) Nitroethane.



- 1 (29) Gamma-butyrolactone.  
 2 (30) White phosphorus.  
 3 (31) Hypophosphorous acid and its salts.  
 4 (32) Acetic anhydride.  
 5 (33) Benzyl chloride.  
 6 (34) Ammonium nitrate.  
 7 (35) Ammonium sulfate.  
 8 (36) Hydrogen peroxide.  
 9 (37) Thionyl chloride.  
 10 (38) Ethyl acetate.  
 11 (39) Pseudoephedrine hydrochloride.
- 12 (b) A person who possesses more than ten (10) grams of ephedrine,  
 13 pseudoephedrine, or phenylpropanolamine, pure or adulterated,  
 14 commits a Level 6 felony. However, the offense is a Level 5 felony if  
 15 the person possessed:
- 16 (1) a firearm while possessing more than ten (10) grams of  
 17 ephedrine, pseudoephedrine, or phenylpropanolamine, pure or  
 18 adulterated; or  
 19 (2) more than ten (10) grams of ephedrine, pseudoephedrine, or  
 20 phenylpropanolamine, pure or adulterated, in, on, or within five  
 21 hundred (500) feet of:
- 22 (A) school property while a person under eighteen (18) years  
 23 of age was reasonably expected to be present; or  
 24 (B) a public park while a person under eighteen (18) years of  
 25 age was reasonably expected to be present.
- 26 (c) A person who possesses anhydrous ammonia or ammonia  
 27 solution (as defined in IC 22-11-20-1) with the intent to manufacture  
 28 methamphetamine or amphetamine, schedule II controlled substances  
 29 under IC 35-48-2-6, commits a Level 6 felony. However, the offense is  
 30 a Level 5 felony if the person possessed:
- 31 (1) a firearm while possessing anhydrous ammonia or ammonia  
 32 solution (as defined in IC 22-11-20-1) with intent to manufacture  
 33 methamphetamine or amphetamine, schedule II controlled  
 34 substances under IC 35-48-2-6; or  
 35 (2) anhydrous ammonia or ammonia solution (as defined in  
 36 IC 22-11-20-1) with intent to manufacture methamphetamine or  
 37 amphetamine, schedule II controlled substances under  
 38 IC 35-48-2-6, in, on, or within five hundred (500) feet of:
- 39 (A) school property while a person under eighteen (18) years  
 40 of age was reasonably expected to be present; or  
 41 (B) a public park while a person under eighteen (18) years of  
 42 age was reasonably expected to be present.



- 1 (d) Subsection (b) does not apply to a:  
 2 (1) licensed health care provider, pharmacist, retail distributor,  
 3 wholesaler, manufacturer, warehouseman, or common carrier or  
 4 an agent of any of these persons if the possession is in the regular  
 5 course of lawful business activities; or  
 6 (2) person who possesses more than ten (10) grams of a substance  
 7 described in subsection (b) if the substance is possessed under  
 8 circumstances consistent with typical medicinal or household use,  
 9 including:  
 10 (A) the location in which the substance is stored;  
 11 (B) the possession of the substance in a variety of:  
 12 (i) strengths;  
 13 (ii) brands; or  
 14 (iii) types; or  
 15 (C) the possession of the substance:  
 16 (i) with different expiration dates; or  
 17 (ii) in forms used for different purposes.  
 18 (e) A person who possesses two (2) or more chemical reagents or  
 19 precursors with the intent to manufacture a controlled substance  
 20 commits a Level 6 felony.  
 21 (f) An offense under subsection (e) is a Level 5 felony if the person  
 22 possessed:  
 23 (1) a firearm while possessing two (2) or more chemical reagents  
 24 or precursors with intent to manufacture a controlled substance;  
 25 or  
 26 (2) two (2) or more chemical reagents or precursors with intent to  
 27 manufacture a controlled substance in, on, or within five hundred  
 28 (500) feet of:  
 29 (A) school property while a person under eighteen (18) years  
 30 of age was reasonably expected to be present; or  
 31 (B) a public park while a person under eighteen (18) years of  
 32 age was reasonably expected to be present.  
 33 (g) A person who sells, transfers, distributes, or furnishes a chemical  
 34 reagent or precursor to another person with knowledge or the intent that  
 35 the recipient will use the chemical reagent or precursors to manufacture  
 36 a controlled substance commits unlawful sale of a precursor, a Level  
 37 6 felony. However, the offense is a Level 5 felony if the person sells,  
 38 transfers, distributes, or furnishes more than ten (10) grams of  
 39 ephedrine, pseudoephedrine, or phenylpropanolamine.  
 40 (h) This subsection does not apply to a drug containing ephedrine,  
 41 pseudoephedrine, or phenylpropanolamine that is dispensed under a  
 42 prescription. A person who:



- 1 (1) has been convicted of:
- 2 (A) dealing in methamphetamine (IC 35-48-4-1.1);
- 3 **(B) manufacturing methamphetamine (IC 35-48-4-1.2);**
- 4 ~~(B)~~ (C) possession of more than ten (10) grams of ephedrine,
- 5 pseudoephedrine, or phenylpropanolamine (subsection (b));
- 6 ~~(C)~~ (D) possession of anhydrous ammonia or ammonia
- 7 solution (as defined in IC 22-11-20-1) with intent to
- 8 manufacture methamphetamine or amphetamine (subsection
- 9 (c));
- 10 ~~(D)~~ (E) possession of two (2) or more chemical reagents or
- 11 precursors with the intent to manufacture a controlled
- 12 substance (subsection (e)); or
- 13 ~~(E)~~ (F) unlawful sale of a precursor (subsection (g)); and
- 14 (2) not later than seven (7) years from the date the person was
- 15 sentenced for the offense;
- 16 knowingly or intentionally possesses ephedrine, pseudoephedrine, or
- 17 phenylpropanolamine, pure or adulterated, commits possession of a
- 18 precursor by a methamphetamine offender, a Level 6 felony.
- 19 SECTION 16. IC 35-48-4-15, AS AMENDED BY P.L.217-2014,
- 20 SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. If a person is convicted of an
- 21 offense under section 1, 1.1, **1.2**, 2, 3, 4, or 10 of this chapter, and the
- 22 court finds that a motor vehicle was used in the commission of the
- 23 offense, the court may, in addition to any other order the court enters,
- 24 order that the person's driving privileges be suspended by the bureau
- 25 of motor vehicles for a period specified by the court of not more than
- 26 two (2) years.
- 27
- 28 SECTION 17. IC 35-50-2-2.2, AS AMENDED BY P.L.10-2016,
- 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2017]: Sec. 2.2. (a) Except as provided in subsection (b), (c),
- 31 or (d), the court may suspend any part of a sentence for a felony.
- 32 (b) If a person is convicted of a Level 2 felony or a Level 3 felony,
- 33 except a Level 2 felony or a Level 3 felony concerning a controlled
- 34 substance under IC 35-48-4, and has any prior unrelated felony
- 35 conviction, the court may suspend only that part of a sentence that is in
- 36 excess of the minimum sentence for the:
- 37 (1) Level 2 felony; or
- 38 (2) Level 3 felony.
- 39 (c) If:
- 40 (1) a person has a prior unrelated felony conviction in any
- 41 jurisdiction for dealing in a controlled substance that is not
- 42 marijuana, hashish, hash oil, salvia divinorum, or a synthetic





- 1 drug, including an attempt or conspiracy to commit the offense;  
 2 and  
 3 (2) the person is convicted of a Level 2 felony under:  
 4 (A) IC 35-48-4-1 and the offense involves the:  
 5 (i) manufacture;  
 6 (ii) delivery; or  
 7 (iii) financing of the manufacture or delivery;  
 8 of heroin; ~~or~~  
 9 (B) IC 35-48-4-1.1; **or**  
 10 (C) **IC 35-48-4-1.2;**  
 11 the court may suspend only that part of a sentence that is in excess of  
 12 the minimum sentence for the Level 2 felony.  
 13 (d) The court may suspend only that part of a sentence for murder  
 14 or a Level 1 felony conviction that is in excess of the minimum  
 15 sentence for murder or the Level 1 felony conviction.  
 16 SECTION 18. IC 35-50-5-3, AS AMENDED BY P.L.180-2014,  
 17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2017]: Sec. 3. (a) Except as provided in subsection (i), (j), (l),  
 19 or (m), in addition to any sentence imposed under this article for a  
 20 felony or misdemeanor, the court may, as a condition of probation or  
 21 without placing the person on probation, order the person to make  
 22 restitution to the victim of the crime, the victim's estate, or the family  
 23 of a victim who is deceased. The court shall base its restitution order  
 24 upon a consideration of:  
 25 (1) property damages of the victim incurred as a result of the  
 26 crime, based on the actual cost of repair (or replacement if repair  
 27 is inappropriate);  
 28 (2) medical and hospital costs incurred by the victim (before the  
 29 date of sentencing) as a result of the crime;  
 30 (3) the cost of medical laboratory tests to determine if the crime  
 31 has caused the victim to contract a disease or other medical  
 32 condition;  
 33 (4) earnings lost by the victim (before the date of sentencing) as  
 34 a result of the crime including earnings lost while the victim was  
 35 hospitalized or participating in the investigation or trial of the  
 36 crime; and  
 37 (5) funeral, burial, or cremation costs incurred by the family or  
 38 estate of a homicide victim as a result of the crime.  
 39 (b) A restitution order under subsection (a), (i), (j), (l), or (m), is a  
 40 judgment lien that:  
 41 (1) attaches to the property of the person subject to the order;  
 42 (2) may be perfected;



1 (3) may be enforced to satisfy any payment that is delinquent  
 2 under the restitution order by the person in whose favor the order  
 3 is issued or the person's assignee; and

4 (4) expires;

5 in the same manner as a judgment lien created in a civil proceeding.

6 (c) When a restitution order is issued under subsection (a), the  
 7 issuing court may order the person to pay the restitution, or part of the  
 8 restitution, directly to:

9 (1) the victim services division of the Indiana criminal justice  
 10 institute in an amount not exceeding:

11 (A) the amount of the award, if any, paid to the victim under  
 12 IC 5-2-6.1; and

13 (B) the cost of the reimbursements, if any, for emergency  
 14 services provided to the victim under IC 16-10-1.5 (before its  
 15 repeal) or IC 16-21-8; or

16 (2) a probation department that shall forward restitution or part of  
 17 restitution to:

18 (A) a victim of a crime;

19 (B) a victim's estate; or

20 (C) the family of a victim who is deceased.

21 The victim services division of the Indiana criminal justice institute  
 22 shall deposit the restitution it receives under this subsection in the  
 23 violent crime victims compensation fund established by IC 5-2-6.1-40.

24 (d) When a restitution order is issued under subsection (a), (i), (j),  
 25 (l), or (m), the issuing court shall send a certified copy of the order to  
 26 the clerk of the circuit court in the county where the felony or  
 27 misdemeanor charge was filed. The restitution order must include the  
 28 following information:

29 (1) The name and address of the person that is to receive the  
 30 restitution.

31 (2) The amount of restitution the person is to receive.

32 Upon receiving the order, the clerk shall enter and index the order in  
 33 the circuit court judgment docket in the manner prescribed by  
 34 IC 33-32-3-2. The clerk shall also notify the department of insurance  
 35 of an order of restitution under subsection (i).

36 (e) An order of restitution under subsection (a), (i), (j), (l), or (m),  
 37 does not bar a civil action for:

38 (1) damages that the court did not require the person to pay to the  
 39 victim under the restitution order but arise from an injury or  
 40 property damage that is the basis of restitution ordered by the  
 41 court; and

42 (2) other damages suffered by the victim.



1 (f) Regardless of whether restitution is required under subsection (a)  
2 as a condition of probation or other sentence, the restitution order is not  
3 discharged by the completion of any probationary period or other  
4 sentence imposed for a felony or misdemeanor.

5 (g) A restitution order under subsection (a), (i), (j), (l), or (m), is not  
6 discharged by the liquidation of a person's estate by a receiver under  
7 IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,  
8 IC 34-1-12, or IC 34-2-7 before their repeal).

9 (h) The attorney general may pursue restitution ordered by the court  
10 under subsections (a) and (c) on behalf of the victim services division  
11 of the Indiana criminal justice institute established under IC 5-2-6-8.

12 (i) The court may order the person convicted of an offense under  
13 IC 35-43-9 to make restitution to the victim of the crime. The court  
14 shall base its restitution order upon a consideration of the amount of  
15 money that the convicted person converted, misappropriated, or  
16 received, or for which the convicted person conspired. The restitution  
17 order issued for a violation of IC 35-43-9 must comply with subsections  
18 (b), (d), (e), and (g), and is not discharged by the completion of any  
19 probationary period or other sentence imposed for a violation of  
20 IC 35-43-9.

21 (j) The court may order the person convicted of an offense under  
22 IC 35-43-5-3.5 to make restitution to the victim of the crime, the  
23 victim's estate, or the family of a victim who is deceased. The court  
24 shall base its restitution order upon a consideration of the amount of  
25 fraud or harm caused by the convicted person and any reasonable  
26 expenses (including lost wages) incurred by the victim in correcting the  
27 victim's credit report and addressing any other issues caused by the  
28 commission of the offense under IC 35-43-5-3.5. If, after a person is  
29 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's  
30 estate, or the family of a victim discovers or incurs additional expenses  
31 that result from the convicted person's commission of the offense under  
32 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders  
33 to require the convicted person to make restitution, even if the court  
34 issued a restitution order at the time of sentencing. For purposes of  
35 entering a restitution order after sentencing, a court has continuing  
36 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5  
37 for five (5) years after the date of sentencing. Each restitution order  
38 issued for a violation of IC 35-43-5-3.5 must comply with subsections  
39 (b), (d), (e), and (g), and is not discharged by the completion of any  
40 probationary period or other sentence imposed for an offense under  
41 IC 35-43-5-3.5.

42 (k) The court shall order a person convicted of an offense under



1 IC 35-42-3.5 to make restitution to the victim of the crime in an amount  
2 equal to the greater of the following:

3 (1) The gross income or value to the person of the victim's labor  
4 or services.

5 (2) The value of the victim's labor as guaranteed under the  
6 minimum wage and overtime provisions of:

7 (A) the federal Fair Labor Standards Act of 1938, as amended  
8 (29 U.S.C. 201-209); or

9 (B) IC 22-2-2 (Minimum Wage);

10 whichever is greater.

11 (l) The court shall order a person who:

12 (1) is convicted of dealing in methamphetamine under  
13 IC 35-48-4-1.1 **or manufacturing methamphetamine under**  
14 **IC 35-48-4-1.2;** and

15 (2) manufactured the methamphetamine on property owned by  
16 another person, without the consent of the property owner;

17 to pay liquidated damages to the property owner in the amount of ten  
18 thousand dollars (\$10,000) or to pay actual damages to the property  
19 owner, including lost rent and the costs of decontamination by an  
20 inspector approved under IC 13-14-1-15.

21 (m) The court shall order a person who:

22 (1) is convicted of dealing in marijuana under  
23 IC 35-48-4-10(a)(1)(A); and

24 (2) manufactured the marijuana on property owned by another  
25 person, without the consent of the property owner;

26 to pay liquidated damages to the property owner in the amount of two  
27 thousand dollars (\$2,000).

28 SECTION 19. IC 35-50-10-1, AS ADDED BY P.L.106-2016,  
29 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2017]: Sec. 1. (a) If an individual is a teacher in a primary or  
31 secondary school, including a public or nonpublic school, and is  
32 convicted of:

33 (1) kidnapping (IC 35-42-3-2);

34 (2) criminal confinement (IC 35-42-3-3);

35 (3) rape (IC 35-42-4-1);

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

37 (5) child molesting (IC 35-42-4-3);

38 (6) child exploitation (IC 35-42-4-4(b));

39 (7) vicarious sexual gratification (IC 35-42-4-5);

40 (8) child solicitation (IC 35-42-4-6);

41 (9) child seduction (IC 35-42-4-7);

42 (10) sexual misconduct with a minor (IC 35-42-4-9);



- 1 (11) incest (IC 35-46-1-3);  
 2 (12) dealing in or manufacturing cocaine or a narcotic drug  
 3 (IC 35-48-4-1);  
 4 (13) dealing in methamphetamine (IC 35-48-4-1.1);  
 5 **(14) manufacturing methamphetamine (IC 35-48-4-1.2);**  
 6 ~~(14)~~ **(15)** dealing in a schedule I, II, or III controlled substance  
 7 (IC 35-48-4-2);  
 8 ~~(15)~~ **(16)** dealing in a schedule IV controlled substance  
 9 (IC 35-48-4-3);  
 10 ~~(16)~~ **(17)** dealing in a schedule V controlled substance  
 11 (IC 35-48-4-4);  
 12 ~~(17)~~ **(18)** dealing in a counterfeit substance (IC 35-48-4-5);  
 13 ~~(18)~~ **(19)** dealing in marijuana, hash oil, hashish, or salvia as a  
 14 felony (IC 35-48-4-10);  
 15 ~~(19)~~ **(20)** dealing in a synthetic drug or synthetic drug lookalike  
 16 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its  
 17 amendment in 2013);  
 18 ~~(20)~~ **(21)** possession of child pornography (IC 35-42-4-4(c));  
 19 ~~(21)~~ **(22)** homicide (IC 35-42-1);  
 20 ~~(22)~~ **(23)** voluntary manslaughter (IC 35-42-1-3);  
 21 ~~(23)~~ **(24)** reckless homicide (IC 35-42-1-5);  
 22 ~~(24)~~ **(25)** battery (IC 35-42-2-1) as:  
 23 (A) a Class A felony (for a crime committed before July 1,  
 24 2014) or a Level 2 felony (for a crime committed after June  
 25 30, 2014);  
 26 (B) a Class B felony (for a crime committed before July 1,  
 27 2014) or a Level 3 felony (for a crime committed after June  
 28 30, 2014); or  
 29 (C) a Class C felony (for a crime committed before July 1,  
 30 2014) or a Level 5 felony (for a crime committed after June  
 31 30, 2014);  
 32 ~~(25)~~ **(26)** aggravated battery (IC 35-42-2-1.5);  
 33 ~~(26)~~ **(27)** robbery (IC 35-42-5-1);  
 34 ~~(27)~~ **(28)** carjacking (IC 35-42-5-2) (before its repeal);  
 35 ~~(28)~~ **(29)** arson as a Class A felony or Class B felony (for a crime  
 36 committed before July 1, 2014) or as a Level 2, Level 3, or Level  
 37 4 felony (for a crime committed after June 30, 2014)  
 38 (IC 35-43-1-1(a));  
 39 ~~(29)~~ **(30)** burglary as a Class A felony or Class B felony (for a  
 40 crime committed before July 1, 2014) or as a Level 1, Level 2,  
 41 Level 3, or Level 4 felony (for a crime committed after June 30,  
 42 2014) (IC 35-43-2-1);



1           ~~(30)~~ **(31)** attempt under IC 35-41-5-1 to commit an offense listed  
2           in this subsection; or  
3           ~~(31)~~ **(32)** conspiracy under IC 35-41-5-2 to commit an offense  
4           listed in this subsection;  
5           the judge who presided over the trial or accepted a plea agreement shall  
6           give written notice of the conviction to the state superintendent and the  
7           chief administrative officer of the primary or secondary school,  
8           including a public or nonpublic school, or, if the individual is employed  
9           in a public school, the superintendent of the school district in which the  
10          individual is employed.  
11          (b) Notice under subsection (a) must occur not later than seven (7)  
12          days after the date the judgment is entered.  
13          (c) The notification sent to a school or school district under  
14          subsection (a) must include only the felony for which the individual  
15          was convicted.  
16          (d) If a judge later modifies the individual's sentence after giving  
17          notice under this section, the judge shall notify the school or the school  
18          district of the modification.  
19          (e) After receiving a notification under subsection (a), the  
20          superintendent shall initiate procedures to revoke the individual's  
21          license to teach.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1406, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1406 as introduced.)

WASHBURNE

Committee Vote: Yeas 10, Nays 0

