

# HOUSE BILL No. 1422

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2; IC 35-44.1-3-5.

**Synopsis:** Trafficking of harmful substances in jails. Defines "chemical intoxicant" and increases the penalty for trafficking with an inmate if the trafficked article is a chemical intoxicant.

**Effective:** July 1, 2024.

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January 16, 2024, read first time and referred to Committee on Courts and Criminal Code.

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1422

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 35-31.5-2-37.4 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2024]: **Sec. 37.4. "Chemical intoxicant", for**  
4 **purposes of IC 35-44.1-3-5, has the meaning set forth in**  
5 **IC 35-44.1-3-5.**

6 SECTION 2. IC 35-31.5-2-178, AS AMENDED BY P.L.13-2013,  
7 SECTION 117, IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2024]: Sec. 178. "Juvenile facility", for  
9 purposes of IC 35-44.1-3-5, has the meaning set forth in  
10 ~~IC 35-44.1-3-5(a)~~. **IC 35-44.1-3-5.**

11 SECTION 3. IC 35-44.1-3-5, AS AMENDED BY P.L.168-2014,  
12 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2024]: Sec. 5. (a) ~~As used in~~ **The following definitions apply**  
14 **throughout** this section:

15 (1) **"Chemical intoxicant" means a substance that, when**  
16 **introduced into a person's body, causes intoxication or a**  
17 **similar physical effect. The term does not include an alcoholic**



1 **beverage or a cigarette or tobacco product (as defined in**  
 2 **IC 6-7-2-5).**

3 **(2)** "Juvenile facility" means the following:

4 ~~(1)~~ **(A)** A secure facility (as defined in IC 31-9-2-114) in  
 5 which a child is detained under IC 31 or used for a child  
 6 awaiting adjudication or adjudicated under IC 31 as a child in  
 7 need of services or a delinquent child.

8 ~~(2)~~ **(B)** A shelter care facility (as defined in IC 31-9-2-117) in  
 9 which a child is detained under IC 31 or used for a child  
 10 awaiting adjudication or adjudicated under IC 31 as a child in  
 11 need of services or a delinquent child.

12 (b) A person who, without the prior authorization of the person in  
 13 charge of a penal facility or juvenile facility, knowingly or  
 14 intentionally:

15 (1) delivers, or carries into the penal facility or juvenile facility  
 16 with intent to deliver, an article to an inmate or child of the  
 17 facility;

18 (2) carries, or receives with intent to carry out of the penal facility  
 19 or juvenile facility, an article from an inmate or child of the  
 20 facility; or

21 (3) delivers, or carries to a worksite with the intent to deliver,  
 22 alcoholic beverages to an inmate or child of a jail work crew or  
 23 community work crew;

24 commits trafficking with an inmate, a Class A misdemeanor. However,  
 25 the offense is a Level 5 felony under subdivision (1) or (2) if the article  
 26 is a controlled substance, **a chemical intoxicant**, a deadly weapon, or  
 27 a cellular telephone or other wireless or cellular communications  
 28 device.

29 (c) If:

30 (1) the person who committed the offense under subsection (b) is  
 31 an employee of:

32 (A) the department of correction; or

33 (B) a penal facility;

34 and the article is a cigarette or tobacco product (as defined in  
 35 IC 6-7-2-5), the court shall order the person to pay a fine of at  
 36 least five hundred dollars (\$500) and not more than five thousand  
 37 dollars (\$5,000) under IC 35-50-3-2, in addition to any term of  
 38 imprisonment imposed under IC 35-50-3-2; or

39 (2) a person is convicted of committing a Level 5 felony under  
 40 subsection (b)(1) or (b)(2) because the article was a cellular  
 41 telephone or other wireless or cellular communication device, the  
 42 court shall order the person to pay a fine of at least five hundred



1           dollars (\$500) and not more than ten thousand dollars (\$10,000)  
2           under IC 35-50-2-6(a) in addition to any term of imprisonment  
3           imposed on the person under IC 35-50-2-6(a).  
4       (d) A person who:  
5           (1) is not an inmate of a penal facility or a child of a juvenile  
6           facility; and  
7           (2) knowingly or intentionally possesses in, or carries or causes to  
8           be brought into, the penal facility or juvenile facility a deadly  
9           weapon without the prior authorization of the person in charge of  
10          the penal facility or juvenile facility;  
11       commits carrying a deadly weapon into a correctional facility, a Level  
12       5 felony.

