



January 25, 2024

HOUSE BILL No. 1422

DIGEST OF HB 1422 (Updated January 24, 2024 12:21 pm - DI 140)

Citations Affected: IC 35-31.5; IC 35-44.1.

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.

Gore, Pierce K

January 16, 2024, read first time and referred to Committee on Courts and Criminal Code.
January 25, 2024, reported — Do Pass.

HB 1422—LS 7065/DI 151



January 25, 2024

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**

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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.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1422, 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 1422 as introduced.)

MCNAMARA

Committee Vote: Yeas 11, Nays 0

