

SENATE BILL No. 357

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-12-3.7-3; IC 16-31-3-14.5; IC 20-28-5-8; IC 22-15-5-16; IC 25-1-1.1-3; IC 34-24-1-1; IC 35-31.5-2-217; IC 35-42-1-4; IC 35-45-6-1; IC 35-47-4-5; IC 35-48-1-16.5.

Synopsis: Involuntary manslaughter and drug dealing. Makes manufacturing or delivering certain controlled substances involuntary manslaughter, a Level 4 felony, if the use of the substance results in the death of the user. Increases the penalty to a Level 3, Level 2, or Level 1 felony based on the identity of the controlled substance and whether an enhancing circumstance applies.

Effective: July 1, 2018.

Houchin

January 4, 2018, read first time and referred to Committee on Corrections and Criminal Law.



Second Regular Session 120th General Assembly (2018)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

SENATE BILL No. 357

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 11-12-3.7-3, AS AMENDED BY P.L.182-2011,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 3. As used in this chapter, "drug dealing offense"
4 means one (1) or more of the following offenses:
5 (1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1), unless
6 the person received only minimal consideration as a result of the
7 drug transaction.
8 (2) Dealing in methamphetamine (IC 35-48-4-1.1), unless the
9 person received only minimal consideration as a result of the drug
10 transaction.
11 (3) Dealing in a schedule I, II, III, IV, or V controlled substance
12 (IC 35-48-4-2 through IC 35-48-4-4), unless the person received
13 only minimal consideration as a result of the drug transaction.
14 (4) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic
15 cannabinoid (IC 35-48-4-10), unless the person received only
16 minimal consideration as a result of the drug transaction.
17 **(5) Involuntary manslaughter in connection with the**



- 1 **manufacture or delivery of a controlled substance**
 2 **(IC 35-42-1-4(d)).**
 3 SECTION 2. IC 16-31-3-14.5, AS AMENDED BY P.L.252-2017,
 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2018]: Sec. 14.5. The department of homeland security may
 6 issue an order under IC 4-21.5-3-6 to deny an applicant's request for
 7 certification or licensure or permanently revoke a certificate or license
 8 under procedures provided by section 14 of this chapter if the
 9 individual who holds the certificate or license issued under this title is
 10 convicted of any of the following:
- 11 **(1) Involuntary manslaughter in connection with the**
 12 **manufacture or delivery of a controlled substance under**
 13 **IC 35-42-1-4(d).**
 - 14 ~~(2)~~ **(2)** Dealing in or manufacturing cocaine or a narcotic drug
 15 under IC 35-48-4-1.
 - 16 ~~(3)~~ **(3)** Dealing in methamphetamine under IC 35-48-4-1.1.
 - 17 ~~(4)~~ **(4)** Manufacturing methamphetamine under IC 35-48-4-1.2.
 - 18 ~~(5)~~ **(5)** Dealing in a schedule I, II, or III controlled substance
 19 under IC 35-48-4-2.
 - 20 ~~(6)~~ **(6)** Dealing in a schedule IV controlled substance under
 21 IC 35-48-4-3.
 - 22 ~~(7)~~ **(7)** Dealing in a schedule V controlled substance under
 23 IC 35-48-4-4.
 - 24 ~~(8)~~ **(8)** Dealing in a substance represented to be a controlled
 25 substance under IC 35-48-4-4.5.
 - 26 ~~(9)~~ **(9)** Knowingly or intentionally manufacturing, advertising,
 27 distributing, or possessing with intent to manufacture, advertise,
 28 or distribute a substance represented to be a controlled substance
 29 under IC 35-48-4-4.6.
 - 30 ~~(10)~~ **(10)** Dealing in a counterfeit substance under IC 35-48-4-5.
 - 31 ~~(11)~~ **(11)** Dealing in marijuana, hash oil, hashish, or salvia as a
 32 felony under IC 35-48-4-10.
 - 33 ~~(12)~~ **(12)** Dealing in a synthetic drug or synthetic drug lookalike
 34 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)
 35 before its amendment in 2013).
 - 36 ~~(13)~~ **(13)** Conspiracy under IC 35-41-5-2 to commit an offense
 37 listed in this section.
 - 38 ~~(14)~~ **(14)** Attempt under IC 35-41-5-1 to commit an offense listed
 39 in this section.
 - 40 ~~(15)~~ **(15)** A crime of violence (as defined in IC 35-50-1-2(a)).
 - 41 ~~(16)~~ **(16)** An offense in any other jurisdiction in which the
 42 elements of the offense for which the conviction was entered are



1 substantially similar to the elements of an offense described under
2 this section.

3 SECTION 3. IC 20-28-5-8, AS AMENDED BY P.L.252-2017,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2018]: Sec. 8. (a) This section applies when a prosecuting
6 attorney knows that a licensed employee of a public school or a
7 nonpublic school has been convicted of an offense listed in subsection
8 (c). The prosecuting attorney shall immediately give written notice of
9 the conviction to the following:

- 10 (1) The state superintendent.
11 (2) Except as provided in subdivision (3), the superintendent of
12 the school corporation that employs the licensed employee or the
13 equivalent authority if a nonpublic school employs the licensed
14 employee.
15 (3) The presiding officer of the governing body of the school
16 corporation that employs the licensed employee, if the convicted
17 licensed employee is the superintendent of the school corporation.

18 (b) The superintendent of a school corporation, presiding officer of
19 the governing body, or equivalent authority for a nonpublic school shall
20 immediately notify the state superintendent when the individual knows
21 that a current or former licensed employee of the public school or
22 nonpublic school has been convicted of an offense listed in subsection
23 (c), or when the governing body or equivalent authority for a nonpublic
24 school takes any final action in relation to an employee who engaged
25 in any offense listed in subsection (c).

26 (c) Except as provided in section 8.5 of this chapter, the department
27 shall permanently revoke the license of a person who is known by the
28 department to have been convicted of any of the following felonies:

- 29 (1) Kidnapping (IC 35-42-3-2).
30 (2) Criminal confinement (IC 35-42-3-3).
31 (3) Rape (IC 35-42-4-1).
32 (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
33 (5) Child molesting (IC 35-42-4-3).
34 (6) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
35 (7) Vicarious sexual gratification (IC 35-42-4-5).
36 (8) Child solicitation (IC 35-42-4-6).
37 (9) Child seduction (IC 35-42-4-7).
38 (10) Sexual misconduct with a minor (IC 35-42-4-9).
39 (11) Incest (IC 35-46-1-3).
40 (12) Dealing in or manufacturing cocaine or a narcotic drug
41 (IC 35-48-4-1).
42 (13) Dealing in methamphetamine (IC 35-48-4-1.1).



- 1 (14) Manufacturing methamphetamine (IC 35-48-4-1.2).
2 (15) Dealing in a schedule I, II, or III controlled substance
3 (IC 35-48-4-2).
4 (16) Dealing in a schedule IV controlled substance
5 (IC 35-48-4-3).
6 (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
7 (18) Dealing in a counterfeit substance (IC 35-48-4-5).
8 (19) Dealing in marijuana, hash oil, hashish, or salvia as a felony
9 (IC 35-48-4-10).
10 (20) Dealing in a synthetic drug or synthetic drug lookalike
11 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its
12 amendment in 2013).
13 (21) Possession of child pornography (IC 35-42-4-4(d) or
14 IC 35-42-4-4(e)).
15 (22) Homicide (IC 35-42-1).
16 (23) Voluntary manslaughter (IC 35-42-1-3).
17 (24) Reckless homicide (IC 35-42-1-5).
18 (25) Battery as any of the following:
19 (A) A Class A felony (for a crime committed before July 1,
20 2014) or a Level 2 felony (for a crime committed after June
21 30, 2014).
22 (B) A Class B felony (for a crime committed before July 1,
23 2014) or a Level 3 felony (for a crime committed after June
24 30, 2014).
25 (C) A Class C felony (for a crime committed before July 1,
26 2014) or a Level 5 felony (for a crime committed after June
27 30, 2014).
28 (26) Aggravated battery (IC 35-42-2-1.5).
29 (27) Robbery (IC 35-42-5-1).
30 (28) Carjacking (IC 35-42-5-2) (before its repeal).
31 (29) Arson as a Class A felony or Class B felony (for a crime
32 committed before July 1, 2014) or as a Level 2, Level 3, or Level
33 4 felony (for a crime committed after June 30, 2014)
34 (IC 35-43-1-1(a)).
35 (30) Burglary as a Class A felony or Class B felony (for a crime
36 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
37 or Level 4 felony (for a crime committed after June 30, 2014)
38 (IC 35-43-2-1).
39 (31) Human trafficking (IC 35-42-3.5).
40 **(32) Involuntary manslaughter in connection with the**
41 **manufacture or delivery of a controlled substance**
42 **(IC 35-42-1-4(d)).**



- 1 ~~(32)~~ **(33)** Attempt under IC 35-41-5-1 to commit an offense listed
 2 in this subsection.
- 3 ~~(33)~~ **(34)** Conspiracy under IC 35-41-5-2 to commit an offense
 4 listed in this subsection.
- 5 (d) The department shall permanently revoke the license of a person
 6 who is known by the department to have been convicted of a federal
 7 offense or an offense in another state that is comparable to a felony
 8 listed in subsection (c).
- 9 (e) A license may be suspended by the state superintendent as
 10 specified in IC 20-28-7.5.
- 11 (f) The department shall develop a data base of information on
 12 school corporation employees who have been reported to the
 13 department under this section.
- 14 (g) Upon receipt of information from the division of state court
 15 administration in accordance with IC 33-24-6-3 concerning persons
 16 convicted of an offense listed in subsection (c), the department shall:
- 17 (1) cross check the information received from the division of state
 18 court administration with information concerning licensed
 19 teachers (as defined in IC 20-18-2-22(b)) maintained by the
 20 department; and
- 21 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been
 22 convicted of an offense described in subsection (c), revoke the
 23 licensed teacher's license.
- 24 SECTION 4. IC 22-15-5-16, AS AMENDED BY P.L.252-2017,
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2018]: Sec. 16. (a) A practitioner shall comply with the
 27 standards established under this licensing program. A practitioner is
 28 subject to the exercise of the disciplinary sanctions under subsection
 29 (b) if the department finds that a practitioner has:
- 30 (1) engaged in or knowingly cooperated in fraud or material
 31 deception in order to obtain a license to practice, including
 32 cheating on a licensing examination;
- 33 (2) engaged in fraud or material deception in the course of
 34 professional services or activities;
- 35 (3) advertised services or goods in a false or misleading manner;
- 36 (4) falsified or knowingly allowed another person to falsify
 37 attendance records or certificates of completion of continuing
 38 education courses provided under this chapter;
- 39 (5) been convicted of a crime that has a direct bearing on the
 40 practitioner's ability to continue to practice competently;
- 41 (6) knowingly violated a state statute or rule or federal statute or
 42 regulation regulating the profession for which the practitioner is



- 1 licensed;
 2 (7) continued to practice although the practitioner has become
 3 unfit to practice due to:
 4 (A) professional incompetence;
 5 (B) failure to keep abreast of current professional theory or
 6 practice;
 7 (C) physical or mental disability; or
 8 (D) addiction to, abuse of, or severe dependency on alcohol or
 9 other drugs that endanger the public by impairing a
 10 practitioner's ability to practice safely;
 11 (8) engaged in a course of lewd or immoral conduct in connection
 12 with the delivery of services to the public;
 13 (9) allowed the practitioner's name or a license issued under this
 14 chapter to be used in connection with an individual or business
 15 who renders services beyond the scope of that individual's or
 16 business's training, experience, or competence;
 17 (10) had disciplinary action taken against the practitioner or the
 18 practitioner's license to practice in another state or jurisdiction on
 19 grounds similar to those under this chapter;
 20 (11) assisted another person in committing an act that would
 21 constitute a ground for disciplinary sanction under this chapter;
 22 or
 23 (12) allowed a license issued by the department to be:
 24 (A) used by another person; or
 25 (B) displayed to the public when the license has expired, is
 26 inactive, is invalid, or has been revoked or suspended.
- 27 For purposes of subdivision (10), a certified copy of a record of
 28 disciplinary action constitutes prima facie evidence of a disciplinary
 29 action in another jurisdiction.
- 30 (b) The department may impose one (1) or more of the following
 31 sanctions if the department finds that a practitioner is subject to
 32 disciplinary sanctions under subsection (a):
 33 (1) Permanent revocation of a practitioner's license.
 34 (2) Suspension of a practitioner's license.
 35 (3) Censure of a practitioner.
 36 (4) Issuance of a letter of reprimand.
 37 (5) Assessment of a civil penalty against the practitioner in
 38 accordance with the following:
 39 (A) The civil penalty may not be more than one thousand
 40 dollars (\$1,000) for each violation listed in subsection (a),
 41 except for a finding of incompetency due to a physical or
 42 mental disability.



- 1 (B) When imposing a civil penalty, the department shall
2 consider a practitioner's ability to pay the amount assessed. If
3 the practitioner fails to pay the civil penalty within the time
4 specified by the department, the department may suspend the
5 practitioner's license without additional proceedings. However,
6 a suspension may not be imposed if the sole basis for the
7 suspension is the practitioner's inability to pay a civil penalty.
- 8 (6) Placement of a practitioner on probation status and
9 requirement of the practitioner to:
- 10 (A) report regularly to the department upon the matters that
11 are the basis of probation;
- 12 (B) limit practice to those areas prescribed by the department;
- 13 (C) continue or renew professional education approved by the
14 department until a satisfactory degree of skill has been attained
15 in those areas that are the basis of the probation; or
- 16 (D) perform or refrain from performing any acts, including
17 community restitution or service without compensation, that
18 the department considers appropriate to the public interest or
19 to the rehabilitation or treatment of the practitioner.
- 20 The department may withdraw or modify this probation if the
21 department finds after a hearing that the deficiency that required
22 disciplinary action has been remedied or that changed
23 circumstances warrant a modification of the order.
- 24 (c) If an applicant or a practitioner has engaged in or knowingly
25 cooperated in fraud or material deception to obtain a license to
26 practice, including cheating on the licensing examination, the
27 department may rescind the license if it has been granted, void the
28 examination or other fraudulent or deceptive material, and prohibit the
29 applicant from reapplying for the license for a length of time
30 established by the department.
- 31 (d) The department may deny licensure to an applicant who has had
32 disciplinary action taken against the applicant or the applicant's license
33 to practice in another state or jurisdiction or who has practiced without
34 a license in violation of the law. A certified copy of the record of
35 disciplinary action is conclusive evidence of the other jurisdiction's
36 disciplinary action.
- 37 (e) The department may order a practitioner to submit to a
38 reasonable physical or mental examination if the practitioner's physical
39 or mental capacity to practice safely and competently is at issue in a
40 disciplinary proceeding. Failure to comply with a department order to
41 submit to a physical or mental examination makes a practitioner liable
42 to temporary suspension under subsection (j).



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

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

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

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

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

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

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

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

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

26 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
 27 D felony (for a crime committed before July 1, 2014) or a Level
 28 6 felony (for a crime committed after June 30, 2014) under
 29 IC 35-48-4-11.

30 (9) Possession of a synthetic drug or synthetic drug lookalike
 31 substance as a:

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

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

35 (ii) IC 35-48-4-11.5; or

36 (B) Level 6 felony for a crime committed after June 30, 2014,
 37 under IC 35-48-4-11.5.

38 (10) Maintaining a common nuisance under IC 35-48-4-13
 39 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 40 controlled substance.

41 (11) An offense relating to registration, labeling, and prescription
 42 forms under IC 35-48-4-14.



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



1 (15) (16) A violation of any federal or state drug law or rule
2 related to wholesale legend drug distributors licensed under
3 IC 25-26-14.

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

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

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

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

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

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

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

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

35 (q) A practitioner may petition the department to accept the
36 surrender of the practitioner's license instead of having a hearing before
37 the commission. The practitioner may not surrender the practitioner's
38 license without the written approval of the department, and the
39 department may impose any conditions appropriate to the surrender or
40 reinstatement of a surrendered license.

41 (r) A practitioner who has been subjected to disciplinary sanctions
42 may be required by the commission to pay the costs of the proceeding.



1 The practitioner's ability to pay shall be considered when costs are
 2 assessed. If the practitioner fails to pay the costs, a suspension may not
 3 be imposed solely upon the practitioner's inability to pay the amount
 4 assessed. The costs are limited to costs for the following:

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

14 SECTION 5. IC 25-1-1.1-3, AS AMENDED BY P.L.252-2017,
 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2018]: Sec. 3. A board, a commission, or a committee shall
 17 revoke or suspend a license or certificate issued under this title by the
 18 board, the commission, or the committee if the individual who holds
 19 the license or certificate is convicted of any of the following:

- 20 **(1) Involuntary manslaughter in connection with the**
 21 **manufacture or delivery of a controlled substance under**
 22 **IC 35-42-1-4(d).**
- 23 ~~(2)~~ **(2)** Dealing in or manufacturing cocaine or a narcotic drug
 24 under IC 35-48-4-1.
- 25 ~~(3)~~ **(3)** Dealing in methamphetamine under IC 35-48-4-1.1.
- 26 ~~(4)~~ **(4)** Manufacturing methamphetamine under IC 35-48-4-1.2.
- 27 ~~(5)~~ **(5)** Dealing in a schedule I, II, or III controlled substance
 28 under IC 35-48-4-2.
- 29 ~~(6)~~ **(6)** Dealing in a schedule IV controlled substance under
 30 IC 35-48-4-3.
- 31 ~~(7)~~ **(7)** Dealing in a schedule V controlled substance under
 32 IC 35-48-4-4.
- 33 ~~(8)~~ **(8)** Dealing in a substance represented to be a controlled
 34 substance under IC 35-48-4-4.5.
- 35 ~~(9)~~ **(9)** Knowingly or intentionally manufacturing, advertising,
 36 distributing, or possessing with intent to manufacture, advertise,
 37 or distribute a substance represented to be a controlled substance
 38 under IC 35-48-4-4.6.
- 39 ~~(10)~~ **(10)** Dealing in a counterfeit substance under IC 35-48-4-5.
- 40 ~~(11)~~ **(11)** Dealing in marijuana, hash oil, hashish, or salvia as a
 41 felony under IC 35-48-4-10.
- 42 ~~(12)~~ **(12)** Dealing in a synthetic drug or synthetic drug lookalike



- 1 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)
 2 before its amendment in 2013).
 3 ~~(12)~~ **(13)** Conspiracy under IC 35-41-5-2 to commit an offense
 4 listed in this section.
 5 ~~(13)~~ **(14)** Attempt under IC 35-41-5-1 to commit an offense listed
 6 in this section.
 7 ~~(14)~~ **(15)** An offense in any other jurisdiction in which the
 8 elements of the offense for which the conviction was entered are
 9 substantially similar to the elements of an offense described in
 10 this section.
 11 ~~(15)~~ **(16)** A violation of any federal or state drug law or rule
 12 related to wholesale legend drug distributors licensed under
 13 IC 25-26-14.

14 SECTION 6. IC 34-24-1-1, AS AMENDED BY P.L.252-2017,
 15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2018]: Sec. 1. (a) The following may be seized:

- 17 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
 18 or are intended for use by the person or persons in possession of
 19 them to transport or in any manner to facilitate the transportation
 20 of the following:
 21 (A) A controlled substance for the purpose of committing,
 22 attempting to commit, or conspiring to commit any of the
 23 following:
 24 (i) Dealing in or manufacturing cocaine or a narcotic drug
 25 (IC 35-48-4-1).
 26 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
 27 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
 28 (iv) Dealing in a schedule I, II, or III controlled substance
 29 (IC 35-48-4-2).
 30 (v) Dealing in a schedule IV controlled substance
 31 (IC 35-48-4-3).
 32 (vi) Dealing in a schedule V controlled substance
 33 (IC 35-48-4-4).
 34 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
 35 (viii) Possession of cocaine or a narcotic drug
 36 (IC 35-48-4-6).
 37 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
 38 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
 39 (xi) Dealing in marijuana, hash oil, hashish, or salvia
 40 (IC 35-48-4-10).
 41 (xii) Dealing in a synthetic drug or synthetic drug lookalike
 42 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its



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



- 1 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
 2 (D) Dealing in a schedule I, II, or III controlled substance
 3 (IC 35-48-4-2).
 4 (E) Dealing in a schedule IV controlled substance
 5 (IC 35-48-4-3).
 6 (F) Dealing in marijuana, hash oil, hashish, or salvia
 7 (IC 35-48-4-10).
 8 (G) Dealing in a synthetic drug or synthetic drug lookalike
 9 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its
 10 amendment in 2013).
 11 **(H) Involuntary manslaughter in connection with the**
 12 **manufacture or delivery of a controlled substance**
 13 **(IC 35-42-1-4(d)).**
 14 (6) Equipment and recordings used by a person to commit fraud
 15 under IC 35-43-5-4(10).
 16 (7) Recordings sold, rented, transported, or possessed by a person
 17 in violation of IC 24-4-10.
 18 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 19 defined by IC 35-45-6-1) that is the object of a corrupt business
 20 influence violation (IC 35-45-6-2).
 21 (9) Unlawful telecommunications devices (as defined in
 22 IC 35-45-13-6) and plans, instructions, or publications used to
 23 commit an offense under IC 35-45-13.
 24 (10) Any equipment, including computer equipment and cellular
 25 telephones, used for or intended for use in preparing,
 26 photographing, recording, videotaping, digitizing, printing,
 27 copying, or disseminating matter in violation of IC 35-42-4.
 28 (11) Destructive devices used, possessed, transported, or sold in
 29 violation of IC 35-47.5.
 30 (12) Tobacco products that are sold in violation of IC 24-3-5,
 31 tobacco products that a person attempts to sell in violation of
 32 IC 24-3-5, and other personal property owned and used by a
 33 person to facilitate a violation of IC 24-3-5.
 34 (13) Property used by a person to commit counterfeiting or
 35 forgery in violation of IC 35-43-5-2.
 36 (14) After December 31, 2005, if a person is convicted of an
 37 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 38 following real or personal property:
 39 (A) Property used or intended to be used to commit, facilitate,
 40 or promote the commission of the offense.
 41 (B) Property constituting, derived from, or traceable to the
 42 gross proceeds that the person obtained directly or indirectly



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



- 1 (promoting prostitution).
- 2 (b) A vehicle used by any person as a common or contract carrier in
3 the transaction of business as a common or contract carrier is not
4 subject to seizure under this section, unless it can be proven by a
5 preponderance of the evidence that the owner of the vehicle knowingly
6 permitted the vehicle to be used to engage in conduct that subjects it to
7 seizure under subsection (a).
- 8 (c) Equipment under subsection (a)(10) may not be seized unless it
9 can be proven by a preponderance of the evidence that the owner of the
10 equipment knowingly permitted the equipment to be used to engage in
11 conduct that subjects it to seizure under subsection (a)(10).
- 12 (d) Money, negotiable instruments, securities, weapons,
13 communications devices, or any property commonly used as
14 consideration for a violation of IC 35-48-4 found near or on a person
15 who is committing, attempting to commit, or conspiring to commit any
16 of the following offenses shall be admitted into evidence in an action
17 under this chapter as prima facie evidence that the money, negotiable
18 instrument, security, or other thing of value is property that has been
19 used or was to have been used to facilitate the violation of a criminal
20 statute or is the proceeds of the violation of a criminal statute:
- 21 **(1) IC 35-42-1-4(d) (involuntary manslaughter in connection**
22 **with the manufacture or delivery of a controlled substance).**
23 ~~(+)~~ **(2)** IC 35-48-4-1 (dealing in or manufacturing cocaine or a
24 narcotic drug).
25 ~~(2)~~ **(3)** IC 35-48-4-1.1 (dealing in methamphetamine).
26 ~~(3)~~ **(4)** IC 35-48-4-1.2 (manufacturing methamphetamine).
27 ~~(4)~~ **(5)** IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
28 substance).
29 ~~(5)~~ **(6)** IC 35-48-4-3 (dealing in a schedule IV controlled
30 substance).
31 ~~(6)~~ **(7)** IC 35-48-4-4 (dealing in a schedule V controlled
32 substance) as a Level 4 felony.
33 ~~(7)~~ **(8)** IC 35-48-4-6 (possession of cocaine or a narcotic drug) as
34 a Level 3, Level 4, or Level 5 felony.
35 ~~(8)~~ **(9)** IC 35-48-4-6.1 (possession of methamphetamine) as a
36 Level 3, Level 4, or Level 5 felony.
37 ~~(9)~~ **(10)** IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or
38 salvia) as a Level 5 felony.
39 ~~(10)~~ **(11)** IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic
40 drug lookalike substance) as a Level 5 felony or Level 6 felony
41 (or as a Class C felony or Class D felony under IC 35-48-4-10
42 before its amendment in 2013).



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

2 (1) an owner of the vehicle; or

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

4 is not subject to seizure under subsection (a)(15) unless it can be
5 proven by a preponderance of the evidence that the owner of the
6 vehicle knowingly permitted the vehicle to be used to engage in
7 conduct that subjects it to seizure under subsection (a)(15).

8 SECTION 7. IC 35-31.5-2-217, AS AMENDED BY P.L.252-2017,
9 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2018]: Sec. 217. "Offense relating to controlled substances"
11 means the following:

12 **(1) Involuntary manslaughter in connection with the**
13 **manufacture or delivery of a controlled substance**
14 **(IC 35-42-1-4(d)).**

15 ~~(1)~~ **(2)** Dealing in or manufacturing cocaine or a narcotic drug
16 (IC 35-48-4-1).

17 ~~(2)~~ **(3)** Dealing in methamphetamine (IC 35-48-4-1.1).

18 ~~(3)~~ **(4)** Manufacturing methamphetamine (IC 35-48-4-1.2).

19 ~~(4)~~ **(5)** Dealing in a schedule I, II, or III controlled substance
20 (IC 35-48-4-2).

21 ~~(5)~~ **(6)** Dealing in a schedule IV controlled substance
22 (IC 35-48-4-3).

23 ~~(6)~~ **(7)** Dealing in a schedule V controlled substance
24 (IC 35-48-4-4).

25 ~~(7)~~ **(8)** Possession of cocaine or a narcotic drug (IC 35-48-4-6).

26 ~~(8)~~ **(9)** Possession of methamphetamine (IC 35-48-4-6.1).

27 ~~(9)~~ **(10)** Possession of a controlled substance (IC 35-48-4-7).

28 ~~(10)~~ **(11)** Possession of paraphernalia (IC 35-48-4-8.3).

29 ~~(11)~~ **(12)** Dealing in paraphernalia (IC 35-48-4-8.5).

30 ~~(12)~~ **(13)** Offenses relating to registration (IC 35-48-4-14).

31 SECTION 8. IC 35-42-1-4, AS AMENDED BY P.L.65-2016,
32 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2018]: Sec. 4. (a) As used in this section, "fetus" means a
34 fetus that has attained viability (as defined in IC 16-18-2-365).

35 (b) A person who kills another human being while committing or
36 attempting to commit:

37 (1) a Level 5 or Level 6 felony that inherently poses a risk of
38 serious bodily injury;

39 (2) a Class A misdemeanor that inherently poses a risk of serious
40 bodily injury; or

41 (3) battery;

42 commits involuntary manslaughter, a Level 5 felony. **However, the**



1 **offense is a Level 4 felony if the person uses a firearm to commit**
 2 **the offense described in subdivisions (1) through (3).**

3 (c) A person who kills a fetus while committing or attempting to
 4 commit:

5 (1) a Level 5 or Level 6 felony that inherently poses a risk of
 6 serious bodily injury;

7 (2) a Class A misdemeanor that inherently poses a risk of serious
 8 bodily injury;

9 (3) a battery offense included in IC 35-42-2; or

10 (4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating a
 11 vehicle while intoxicated);

12 commits involuntary manslaughter, a Level 5 felony.

13 **(d) A person who knowingly or intentionally unlawfully**
 14 **manufactures or delivers a controlled substance or controlled**
 15 **substance analog that when used, injected, inhaled, absorbed, or**
 16 **ingested, results in or causes the death of a human being commits**
 17 **involuntary manslaughter, a Level 4 felony. However, the offense**
 18 **is a:**

19 (1) Level 3 felony if:

20 (A) the substance is a schedule IV controlled substance; or

21 (B) an enhancing circumstance applies;

22 (2) Level 2 felony if:

23 (A) the substance is a schedule IV controlled substance;
 24 and

25 (B) an enhancing circumstance applies;

26 (3) Level 2 felony if the substance is a schedule I, II, or III
 27 controlled substance;

28 (4) Level 1 felony if:

29 (A) the substance is a schedule I, II, or III controlled
 30 substance; and

31 (B) an enhancing circumstance applies; and

32 (5) Level 1 felony if the substance is cocaine, a narcotic drug
 33 classified in schedule I or II, or methamphetamine.

34 (e) It is not a defense to the prosecution of an offense described
 35 in subsection (d) that:

36 (1) the person died after voluntarily using, injecting, inhaling,
 37 absorbing, or ingesting a controlled substance or controlled
 38 substance analog;

39 (2) the death was a result of or was caused by using, injecting,
 40 inhaling, absorbing, or ingesting the controlled substance or
 41 controlled substance analog in combination with alcohol or
 42 another controlled substance, or with any other compound,



1 **mixture, diluent, or substance;**

2 **(3) the death was a result of or was caused by the use,**
 3 **injection, inhalation, absorption, or ingestion of the controlled**
 4 **substance or controlled substance analog and an existing**
 5 **medical condition, known or unknown, of the decedent; or**

6 **(4) the death was a result of or was caused by using, injecting,**
 7 **inhaling, absorbing, or ingesting the controlled substance or**
 8 **controlled substance analog in combination with another**
 9 **controlled substance, and the person could have been charged**
 10 **with delivering or manufacturing the other controlled**
 11 **substance.**

12 SECTION 9. IC 35-45-6-1, AS AMENDED BY P.L.252-2017,
 13 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2018]: Sec. 1. (a) The definitions in this section apply
 15 throughout this chapter.

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

20 (c) "Enterprise" means:

21 (1) a sole proprietorship, corporation, limited liability company,
 22 partnership, business trust, or governmental entity; or

23 (2) a union, an association, or a group, whether a legal entity or
 24 merely associated in fact.

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

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

36 (1) A provision of IC 23-19, or of a rule or order issued under
 37 IC 23-19.

38 (2) A violation of IC 35-45-9.

39 (3) A violation of IC 35-47.

40 (4) A violation of IC 35-49-3.

41 (5) Murder (IC 35-42-1-1).

42 (6) Battery as a Class C felony before July 1, 2014, or a Level 5



- 1 felony after June 30, 2014 (IC 35-42-2-1).
 2 (7) Kidnapping (IC 35-42-3-2).
 3 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
 4 (9) Child exploitation (IC 35-42-4-4).
 5 (10) Robbery (IC 35-42-5-1).
 6 (11) Carjacking (IC 35-42-5-2) (before its repeal).
 7 (12) Arson (IC 35-43-1-1).
 8 (13) Burglary (IC 35-43-2-1).
 9 (14) Theft (IC 35-43-4-2).
 10 (15) Receiving stolen property (IC 35-43-4-2).
 11 (16) Forgery (IC 35-43-5-2).
 12 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
 13 (18) Bribery (IC 35-44.1-1-2).
 14 (19) Official misconduct (IC 35-44.1-1-1).
 15 (20) Conflict of interest (IC 35-44.1-1-4).
 16 (21) Perjury (IC 35-44.1-2-1).
 17 (22) Obstruction of justice (IC 35-44.1-2-2).
 18 (23) Intimidation (IC 35-45-2-1).
 19 (24) Promoting prostitution (IC 35-45-4-4).
 20 (25) Professional gambling (IC 35-45-5-3).
 21 (26) Maintaining a professional gambling site
 22 (IC 35-45-5-3.5(b)).
 23 (27) Promoting professional gambling (IC 35-45-5-4).
 24 (28) Dealing in or manufacturing cocaine or a narcotic drug
 25 (IC 35-48-4-1).
 26 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
 27 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
 28 (31) Dealing in a schedule I, II, or III controlled substance
 29 (IC 35-48-4-2).
 30 (32) Dealing in a schedule IV controlled substance
 31 (IC 35-48-4-3).
 32 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 33 (34) Dealing in marijuana, hash oil, hashish, or salvia
 34 (IC 35-48-4-10).
 35 (35) Money laundering (IC 35-45-15-5).
 36 (36) A violation of IC 35-47.5-5.
 37 (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 (38) Practice of law by a person who is not an attorney



- 1 (IC 33-43-2-1).
 2 (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 **(40) Involuntary manslaughter in connection with the**
 6 **manufacture or delivery of a controlled substance**
 7 **(IC 35-42-1-4(d)).**
 8 SECTION 10. IC 35-47-4-5, AS AMENDED BY P.L.252-2017,
 9 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2018]: Sec. 5. (a) As used in this section, "serious violent
 11 felon" means a person who has been convicted of:
 12 (1) committing a serious violent felony in:
 13 (A) Indiana; or
 14 (B) any other jurisdiction in which the elements of the crime
 15 for which the conviction was entered are substantially similar
 16 to the elements of a serious violent felony; or
 17 (2) attempting to commit or conspiring to commit a serious
 18 violent felony in:
 19 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;
 20 or
 21 (B) any other jurisdiction in which the elements of the crime
 22 for which the conviction was entered are substantially similar
 23 to the elements of attempting to commit or conspiring to
 24 commit a serious violent felony.
 25 (b) As used in this section, "serious violent felony" means:
 26 (1) murder (IC 35-42-1-1);
 27 (2) voluntary manslaughter (IC 35-42-1-3);
 28 (3) reckless homicide not committed by means of a vehicle
 29 (IC 35-42-1-5);
 30 (4) battery (IC 35-42-2-1) as a:
 31 (A) Class A felony, Class B felony, or Class C felony, for a
 32 crime committed before July 1, 2014; or
 33 (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5
 34 felony, for a crime committed after June 30, 2014;
 35 (5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level
 36 3 felony, Level 4 felony, or Level 5 felony;
 37 (6) aggravated battery (IC 35-42-2-1.5);
 38 (7) kidnapping (IC 35-42-3-2);
 39 (8) criminal confinement (IC 35-42-3-3);
 40 (9) rape (IC 35-42-4-1);
 41 (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
 42 (11) child molesting (IC 35-42-4-3);



- 1 (12) sexual battery (IC 35-42-4-8) as a:
 2 (A) Class C felony, for a crime committed before July 1, 2014;
 3 or
 4 (B) Level 5 felony, for a crime committed after June 30, 2014;
 5 (13) robbery (IC 35-42-5-1);
 6 (14) carjacking (IC 5-42-5-2) (before its repeal);
 7 (15) arson (IC 35-43-1-1(a)) as a:
 8 (A) Class A felony or Class B felony, for a crime committed
 9 before July 1, 2014; or
 10 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a
 11 crime committed after June 30, 2014;
 12 (16) burglary (IC 35-43-2-1) as a:
 13 (A) Class A felony or Class B felony, for a crime committed
 14 before July 1, 2014; or
 15 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
 16 felony, for a crime committed after June 30, 2014;
 17 (17) assisting a criminal (IC 35-44.1-2-5) as a:
 18 (A) Class C felony, for a crime committed before July 1, 2014;
 19 or
 20 (B) Level 5 felony, for a crime committed after June 30, 2014;
 21 (18) resisting law enforcement (IC 35-44.1-3-1) as a:
 22 (A) Class B felony or Class C felony, for a crime committed
 23 before July 1, 2014; or
 24 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a
 25 crime committed after June 30, 2014;
 26 (19) escape (IC 35-44.1-3-4) as a:
 27 (A) Class B felony or Class C felony, for a crime committed
 28 before July 1, 2014; or
 29 (B) Level 4 felony or Level 5 felony, for a crime committed
 30 after June 30, 2014;
 31 (20) trafficking with an inmate (IC 35-44.1-3-5) as a:
 32 (A) Class C felony, for a crime committed before July 1, 2014;
 33 or
 34 (B) Level 5 felony, for a crime committed after June 30, 2014;
 35 (21) criminal organization intimidation (IC 35-45-9-4);
 36 (22) stalking (IC 35-45-10-5) 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 (23) incest (IC 35-46-1-3);
 42 (24) dealing in or manufacturing cocaine or a narcotic drug



- 1 (IC 35-48-4-1);
 2 (25) dealing in methamphetamine (IC 35-48-4-1.1) or
 3 manufacturing methamphetamine (IC 35-48-4-1.2);
 4 (26) dealing in a schedule I, II, or III controlled substance
 5 (IC 35-48-4-2);
 6 (27) dealing in a schedule IV controlled substance (IC 35-48-4-3);
 7 **or**
 8 (28) dealing in a schedule V controlled substance (IC 35-48-4-4);
 9 **or**
 10 **(29) involuntary manslaughter in connection with the**
 11 **manufacture or delivery of a controlled substance**
 12 **(IC 35-42-1-4(d)).**

13 (c) A serious violent felon who knowingly or intentionally possesses
 14 a firearm commits unlawful possession of a firearm by a serious violent
 15 felon, a Level 4 felony.

16 SECTION 11. IC 35-48-1-16.5, AS AMENDED BY P.L.168-2014,
 17 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2018]: Sec. 16.5. "Enhancing circumstance" means one (1) or
 19 more of the following:

- 20 (1) The person has a prior conviction, in any jurisdiction, for
 21 dealing in a controlled substance that is not marijuana, hashish,
 22 hash oil, salvia divinorum, or a synthetic drug, including an
 23 attempt or conspiracy to commit the offense.
 24 (2) The person committed the offense while in possession of a
 25 firearm.
 26 (3) The person committed the offense:
 27 (A) on a school bus; or
 28 (B) in, on, or within five hundred (500) feet of:
 29 (i) school property while a person under eighteen (18) years
 30 of age was reasonably expected to be present; or
 31 (ii) a public park while a person under eighteen (18) years
 32 of age was reasonably expected to be present.
 33 (4) The person delivered or financed the delivery of the drug to a
 34 person under eighteen (18) years of age at least three (3) years
 35 junior to the person.
 36 (5) The person manufactured or financed the manufacture of the
 37 drug.
 38 (6) The person committed the offense in the physical presence of
 39 a child less than eighteen (18) years of age, knowing that the child
 40 was present and might be able to see or hear the offense.
 41 **(7) The person has a prior conviction, in any jurisdiction, for**
 42 **involuntary manslaughter in connection with the manufacture**



1 **or delivery of a controlled substance (IC 35-42-1-4(d)),**
2 **including an attempt or conspiracy to commit the offense.**

