

SENATE BILL No. 28

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-48.

Synopsis: Crimes involving synthetic drugs. Makes certain offenses involving synthetic drugs an enhancing circumstance. Removes certain misdemeanor prosecutions concerning synthetic drugs and synthetic lookalike drugs from eligibility for conditional discharge.

Effective: July 1, 2019.

Bohacek

January 3, 2019, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

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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 35-48-1-16.5, AS AMENDED BY P.L.168-2014,
2 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 16.5. "Enhancing circumstance" means one (1) or
4 more of the following:
5 (1) The person has a prior conviction, in any jurisdiction, for
6 dealing in a controlled substance that is not marijuana, hashish,
7 hash oil, ~~or salvia divinorum, or a synthetic drug,~~ including an
8 attempt or conspiracy to commit the offense.
9 (2) The person committed the offense while in possession of a
10 firearm.
11 (3) The person committed the offense:
12 (A) on a school bus; or
13 (B) in, on, or within five hundred (500) feet of:
14 (i) school property while a person under eighteen (18) years
15 of age was reasonably expected to be present; or
16 (ii) a public park while a person under eighteen (18) years
17 of age was reasonably expected to be present.



1 (4) The person delivered or financed the delivery of the drug to a
2 person under eighteen (18) years of age at least three (3) years
3 junior to the person.
4 (5) The person manufactured or financed the manufacture of the
5 drug.
6 (6) The person committed the offense in the physical presence of
7 a child less than eighteen (18) years of age, knowing that the child
8 was present and might be able to see or hear the offense.
9 SECTION 2. IC 35-48-4-12, AS AMENDED BY P.L.168-2014,
10 SECTION 104, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2019]: Sec. 12. If a person who has no prior
12 conviction of an offense under this article or under a law of another
13 jurisdiction relating to controlled substances pleads guilty to possession
14 of marijuana, hashish, ~~or salvia or a synthetic drug or a synthetic drug~~
15 ~~lookalike substance~~ as a misdemeanor, the court, without entering a
16 judgment of conviction and with the consent of the person, may defer
17 further proceedings and place the person in the custody of the court
18 under conditions determined by the court. Upon violation of a
19 condition of the custody, the court may enter a judgment of conviction.
20 However, if the person fulfills the conditions of the custody, the court
21 shall dismiss the charges against the person. There may be only one (1)
22 dismissal under this section with respect to a person.

