



January 11, 2019

---

---

## SENATE BILL No. 198

---

DIGEST OF SB 198 (Updated January 8, 2019 4:23 pm - DI 106)

**Citations Affected:** IC 35-48.

**Synopsis:** Controlled substances in penal facilities. Makes committing a controlled substance offense on the property of a penal facility or juvenile facility an enhancing circumstance.

**Effective:** July 1, 2019.

---

---

### Bohacek, Randolph Lonnie M

---

---

January 3, 2019, read first time and referred to Committee on Corrections and Criminal Law.  
January 10, 2019, amended, reported favorably — Do Pass.

---

---

SB 198—LS 6511/DI 106





January 11, 2019

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.

## SENATE BILL No. 198

---

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.

SB 198—LS 6511/DI 106



- 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 **(7) The person committed the offense on the property of a:**
- 10 **(A) penal facility; or**
- 11 **(B) juvenile facility (as defined in IC 35-44.1-3-5).**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 198, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, after "oil," insert "**or**".

Page 1, line 7, strike "or a synthetic drug,".

and when so amended that said bill do pass.

(Reference is to SB 198 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 9, Nays 0.

