

HOUSE BILL No. 1658

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-48-4-11.

Synopsis: Decriminalization of marijuana. Decriminalizes possession of two ounces or less of marijuana.

Effective: July 1, 2019.

VanNatter, Candelaria Reardon

January 24, 2019, read first time and referred to Committee on Courts and Criminal Code.



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 35-48-4-11, AS AMENDED BY P.L.153-2018,
2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 11. (a) A person who:
4 (1) knowingly or intentionally possesses (pure or adulterated):
5 (A) **more than two (2) ounces** of marijuana;
6 (B) hash oil;
7 (C) hashish; or
8 (D) salvia;
9 (2) knowingly or intentionally grows or cultivates **more than two**
10 **(2) ounces of** marijuana; or
11 (3) knowing that **more than two (2) ounces of** marijuana ~~is are~~
12 growing on the person's premises, fails to destroy the marijuana
13 plants;
14 commits possession of marijuana, hash oil, hashish, or salvia, a Class
15 B misdemeanor, except as provided in subsections (b) through (c).
16 (b) The offense described in subsection (a) is a Class A
17 misdemeanor if:



- 1 (1) the person has a prior conviction for a drug offense; or
- 2 (2) the:
 - 3 (A) marijuana, hash oil, hashish, or salvia is packaged in a
 - 4 manner that appears to be low THC hemp extract; and
 - 5 (B) person knew or reasonably should have known that the
 - 6 product was marijuana, hash oil, hashish, or salvia.
- 7 (c) The offense described in subsection (a) is a Level 6 felony if:
 - 8 (1) the person has a prior conviction for a drug offense; and
 - 9 (2) the person possesses:
 - 10 (A) at least ~~thirty (30) grams~~ **four (4) ounces** of marijuana; or
 - 11 (B) at least five (5) grams of hash oil, hashish, or salvia.

