

HOUSE BILL No. 1685

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-8; IC 6-7-3; IC 11-12-3.7-3; IC 15-16-7-8; IC 16-31-3; IC 16-42-27-2; IC 20-28-5-8; IC 22-15-5-16; IC 25-1-1.1; IC 33-37; IC 34-24-1-1; IC 35-45; IC 35-48; IC 35-50.

Synopsis: Legalization of marijuana. Legalizes marijuana. Repeals the controlled substance excise tax. Makes conforming amendments.

Effective: July 1, 2019.

Forestal

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.

HOUSE BILL No. 1685

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 5-2-8-5, AS AMENDED BY P.L.217-2017,
2 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 5. (a) There is established the state police training
4 fund. The fund consists of amounts collected under ~~IC 33-37-4-1(b)(4);~~
5 **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~
6 **IC 33-37-4-3(b)(3)** on behalf of the state police department.
7 (b) If the state police department files a claim under IC 33-37-8-4
8 or IC 33-37-8-6 against a city or town user fee fund or a county user fee
9 fund, the fiscal officer of the city or town or the county auditor shall
10 deposit fees collected under the cause numbers submitted by the state
11 police department into the state police training fund established under
12 this section.
13 (c) Claims against the state police training fund must be submitted
14 in accordance with IC 5-11-10.
15 (d) Money in excess of one hundred dollars (\$100) that is
16 unencumbered and remains in the state police training fund for at least
17 one (1) entire calendar year from the date of its deposit shall, at the end



1 of the state's fiscal year, be deposited in the law enforcement academy
2 fund established under IC 5-2-1-13.

3 (e) As used in this subsection, "abuse" has the meaning set forth in
4 section 1(a) of this chapter. As a part of the state police department's
5 in-service training, the department shall provide to each law
6 enforcement officer employed by the department continuing education
7 concerning the following:

8 (1) Duties of a law enforcement officer in enforcing restraining
9 orders, protective orders, temporary injunctions, and permanent
10 injunctions involving abuse.

11 (2) Guidelines for making felony and misdemeanor arrests in
12 cases involving abuse.

13 (3) Techniques for handling incidents of abuse that:

14 (A) minimize the likelihood of injury to the law enforcement
15 officer; and

16 (B) promote the safety of a victim.

17 (4) Information about the nature and extent of the abuse.

18 (5) Information about the legal rights of and remedies available
19 to victims of abuse.

20 (6) How to document and collect evidence in an abuse case.

21 (7) The legal consequences of abuse.

22 (8) The impact on children of law enforcement intervention in
23 abuse cases.

24 (9) Services and facilities available to victims of abuse and
25 abusers.

26 (10) Verification of restraining orders, protective orders,
27 temporary injunctions, and permanent injunctions.

28 (11) Policies concerning arrest or release of suspects in abuse
29 cases.

30 (12) Emergency assistance to victims of abuse and criminal
31 justice options for victims of abuse.

32 (13) Landlord-tenant concerns in abuse cases.

33 (14) The taking of an abused child into protective custody.

34 (15) Assessment of a situation in which a child may be seriously
35 endangered if the child is left in the child's home.

36 (16) Assessment of a situation involving an endangered adult (as
37 defined in IC 12-10-3-2).

38 (17) Response to a sudden, unexpected infant death.

39 The cost of providing continuing education under this subsection shall
40 be paid from money in the state police training fund.

41 SECTION 2. IC 5-2-8-7, AS AMENDED BY P.L.217-2017,
42 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 7. (a) There is established the conservation
 2 officers training fund. The department of natural resources shall
 3 administer the fund. The fund consists of amounts collected under
 4 ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and
 5 ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on behalf of the department of
 6 natural resources.

7 (b) If the department of natural resources files a claim under
 8 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a
 9 county user fee fund, the fiscal officer of the city or town or the county
 10 auditor shall deposit fees collected under the cause numbers submitted
 11 by the department of natural resources into the conservation officers
 12 training fund established under this section.

13 (c) Claims against the conservation officers training fund must be
 14 submitted in accordance with IC 5-11-10.

15 (d) Money in excess of one hundred dollars (\$100) that is
 16 unencumbered and remains in the conservation officers' training fund
 17 for at least one (1) entire calendar year from the date of its deposit
 18 shall, at the end of the state's fiscal year, be deposited in the law
 19 enforcement academy fund established under IC 5-2-1-13.

20 SECTION 3. IC 5-2-8-8, AS AMENDED BY P.L.217-2017,
 21 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2019]: Sec. 8. (a) There is established the alcoholic beverage
 23 enforcement officers' training fund. The alcohol and tobacco
 24 commission shall administer the fund. The fund consists of amounts
 25 collected under ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**,
 26 IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on
 27 behalf of the alcohol and tobacco commission.

28 (b) If the alcohol and tobacco commission files a claim under
 29 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a
 30 county user fee fund, the fiscal officer of the city or town or the county
 31 auditor shall deposit fees collected under the cause numbers submitted
 32 by the alcohol and tobacco commission into the alcoholic beverage
 33 enforcement officers' training fund established under this section.

34 (c) Claims against the alcoholic beverage enforcement officers'
 35 training fund must be submitted in accordance with IC 5-11-10.

36 (d) Money in excess of one hundred dollars (\$100) that is
 37 unencumbered and remains in the alcoholic beverage enforcement
 38 officers' training fund for at least one (1) entire calendar year from the
 39 date of its deposit shall, at the end of the state's fiscal year, be deposited
 40 in the law enforcement academy fund established under IC 5-2-1-13.

41 SECTION 4. IC 6-7-3 IS REPEALED [EFFECTIVE JULY 1, 2019].
 42 (Controlled Substance Excise Tax).



1 SECTION 5. 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, 2019]: 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 SECTION 6. IC 15-16-7-8 IS REPEALED [EFFECTIVE JULY 1,
 18 2019]. Sec. 8: ~~In addition to the weed control board's powers and duties~~
 19 ~~under section 7 of this chapter, the weed control board may establish~~
 20 ~~a marijuana eradication program to eliminate and destroy wild~~
 21 ~~marijuana plants within the county. The program is funded by amounts~~
 22 ~~appropriated by the county:~~

23 ~~(1) under IC 33-37-8; and~~

24 ~~(2) from the county general fund.~~

25 SECTION 7. IC 16-31-3-14, AS AMENDED BY P.L.85-2017,
 26 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 14. (a) A person holding a certificate or license
 28 issued under this article must comply with the applicable standards and
 29 rules established under this article. A certificate holder or license
 30 holder is subject to disciplinary sanctions under subsection (b) if the
 31 department of homeland security determines that the certificate holder
 32 or license holder:

33 (1) engaged in or knowingly cooperated in fraud or material
 34 deception in order to obtain a certificate or license, including
 35 cheating on a certification or licensure examination;

36 (2) engaged in fraud or material deception in the course of
 37 professional services or activities;

38 (3) advertised services or goods in a false or misleading manner;

39 (4) falsified or knowingly allowed another person to falsify
 40 attendance records or certificates of completion of continuing
 41 education courses required under this article or rules adopted
 42 under this article;



- 1 (5) is convicted of a crime, if the act that resulted in the
 2 conviction has a direct bearing on determining if the certificate
 3 holder or license holder should be entrusted to provide emergency
 4 medical services;
- 5 (6) is convicted of violating IC 9-19-14.5;
- 6 (7) fails to comply and maintain compliance with or violates any
 7 applicable provision, standard, or other requirement of this article
 8 or rules adopted under this article;
- 9 (8) continues to practice if the certificate holder or license holder
 10 becomes unfit to practice due to:
- 11 (A) professional incompetence that includes the undertaking
 12 of professional activities that the certificate holder or license
 13 holder is not qualified by training or experience to undertake;
- 14 (B) failure to keep abreast of current professional theory or
 15 practice;
- 16 (C) physical or mental disability; or
- 17 (D) addiction to, abuse of, or dependency on alcohol or other
 18 drugs that endanger the public by impairing the certificate
 19 holder's or license holder's ability to practice safely;
- 20 (9) engages in a course of lewd or immoral conduct in connection
 21 with the delivery of services to the public;
- 22 (10) allows the certificate holder's or license holder's name or a
 23 certificate or license issued under this article to be used in
 24 connection with a person who renders services beyond the scope
 25 of that person's training, experience, or competence;
- 26 (11) is subjected to disciplinary action in another state or
 27 jurisdiction on grounds similar to those contained in this chapter.
 28 For purposes of this subdivision, a certified copy of a record of
 29 disciplinary action constitutes prima facie evidence of a
 30 disciplinary action in another jurisdiction;
- 31 (12) assists another person in committing an act that would
 32 constitute a ground for disciplinary sanction under this chapter;
- 33 or
- 34 (13) allows a certificate or license issued by the commission to
 35 be:
- 36 (A) used by another person; or
- 37 (B) displayed to the public when the certificate or license is
 38 expired, inactive, invalid, revoked, or suspended.
- 39 (b) The department of homeland security may issue an order under
 40 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
 41 the department of homeland security determines that a certificate
 42 holder or license holder is subject to disciplinary sanctions under



- 1 subsection (a):
- 2 (1) Revocation of a certificate holder's certificate or license
- 3 holder's license for a period not to exceed seven (7) years.
- 4 (2) Suspension of a certificate holder's certificate or license
- 5 holder's license for a period not to exceed seven (7) years.
- 6 (3) Censure of a certificate holder or license holder.
- 7 (4) Issuance of a letter of reprimand.
- 8 (5) Assessment of a civil penalty against the certificate holder or
- 9 license holder in accordance with the following:
- 10 (A) The civil penalty may not exceed five hundred dollars
- 11 (\$500) per day per violation.
- 12 (B) If the certificate holder or license holder fails to pay the
- 13 civil penalty within the time specified by the department of
- 14 homeland security, the department of homeland security may
- 15 suspend the certificate holder's certificate or license holder's
- 16 license without additional proceedings.
- 17 (6) Placement of a certificate holder or license holder on
- 18 probation status and requirement of the certificate holder or
- 19 license holder to:
- 20 (A) report regularly to the department of homeland security
- 21 upon the matters that are the basis of probation;
- 22 (B) limit practice to those areas prescribed by the department
- 23 of homeland security;
- 24 (C) continue or renew professional education approved by the
- 25 department of homeland security until a satisfactory degree of
- 26 skill has been attained in those areas that are the basis of the
- 27 probation; or
- 28 (D) perform or refrain from performing any acts, including
- 29 community restitution or service without compensation, that
- 30 the department of homeland security considers appropriate to
- 31 the public interest or to the rehabilitation or treatment of the
- 32 certificate holder or license holder.
- 33 The department of homeland security may withdraw or modify
- 34 this probation if the department of homeland security finds after
- 35 a hearing that the deficiency that required disciplinary action is
- 36 remedied or that changed circumstances warrant a modification
- 37 of the order.
- 38 (c) If an applicant or a certificate holder or license holder has
- 39 engaged in or knowingly cooperated in fraud or material deception to
- 40 obtain a certificate or license, including cheating on the certification or
- 41 licensure examination, the department of homeland security may
- 42 rescind the certificate or license if it has been granted, void the



1 examination or other fraudulent or deceptive material, and prohibit the
2 applicant from reapplying for the certificate or license for a length of
3 time established by the department of homeland security.

4 (d) The department of homeland security may deny certification or
5 licensure to an applicant who would be subject to disciplinary sanctions
6 under subsection (b) if that person were a certificate holder or license
7 holder, has had disciplinary action taken against the applicant or the
8 applicant's certificate or license to practice in another state or
9 jurisdiction, or has practiced without a certificate or license in violation
10 of the law. A certified copy of the record of disciplinary action is
11 conclusive evidence of the other jurisdiction's disciplinary action.

12 (e) The department of homeland security may order a certificate
13 holder or license holder to submit to a reasonable physical or mental
14 examination if the certificate holder's or license holder's physical or
15 mental capacity to practice safely and competently is at issue in a
16 disciplinary proceeding. Failure to comply with a department of
17 homeland security order to submit to a physical or mental examination
18 makes a certificate holder or license holder liable to temporary
19 suspension under subsection (i).

20 (f) Except as provided under subsection (a), subsection (g), and
21 section 14.5 of this chapter, a certificate or license may not be denied,
22 revoked, or suspended because the applicant, certificate holder, or
23 license holder has been convicted of an offense. The acts from which
24 the applicant's, certificate holder's, or license holder's conviction
25 resulted may be considered as to whether the applicant or certificate
26 holder or license holder should be entrusted to serve the public in a
27 specific capacity.

28 (g) The department of homeland security may deny, suspend, or
29 revoke a certificate or license issued under this article if the individual
30 who holds or is applying for the certificate or license is convicted of
31 any of the following:

- 32 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 33 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 34 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 35 (4) Fraudulently obtaining a controlled substance under
36 IC 35-48-4-7(c).
- 37 (5) Manufacture of paraphernalia as a Class D felony (for a crime
38 committed before July 1, 2014) or Level 6 felony (for a crime
39 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 40 (6) Dealing in paraphernalia as a Class D felony (for a crime
41 committed before July 1, 2014) or Level 6 felony (for a crime
42 committed after June 30, 2014) under IC 35-48-4-8.5(b).



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

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

9 (9) Possession of a synthetic drug or synthetic drug lookalike
10 substance as a Class D felony (for a crime committed before July
11 1, 2014) or Level 6 felony (for a crime committed after June 30,
12 2014) under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its
13 amendment in 2013).

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

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

19 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
20 in this section.

21 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
22 this section.

23 (14) An offense in any other jurisdiction in which the elements of
24 the offense for which the conviction was entered are substantially
25 similar to the elements of an offense described in this section.

26 (h) A decision of the department of homeland security under
27 subsections (b) through (g) may be appealed to the commission under
28 IC 4-21.5-3-7.

29 (i) The department of homeland security may temporarily suspend
30 a certificate holder's certificate or license holder's license under
31 IC 4-21.5-4 before a final adjudication or during the appeals process if
32 the department of homeland security finds that a certificate holder or
33 license holder would represent a clear and immediate danger to the
34 public's health, safety, or property if the certificate holder or license
35 holder were allowed to continue to practice.

36 (j) On receipt of a complaint or information alleging that a person
37 certified or licensed under this chapter or IC 16-31-3.5 has engaged in
38 or is engaging in a practice that is subject to disciplinary sanctions
39 under this chapter, the department of homeland security must initiate
40 an investigation against the person.

41 (k) The department of homeland security shall conduct a factfinding
42 investigation as the department of homeland security considers proper



1 in relation to the complaint.

2 (l) The department of homeland security may reinstate a certificate
3 or license that has been suspended under this section if the department
4 of homeland security is satisfied that the applicant is able to practice
5 with reasonable skill, competency, and safety to the public. As a
6 condition of reinstatement, the department of homeland security may
7 impose disciplinary or corrective measures authorized under this
8 chapter.

9 (m) The department of homeland security may not reinstate a
10 certificate or license that has been revoked under this chapter.

11 (n) The department of homeland security must be consistent in the
12 application of sanctions authorized in this chapter. Significant
13 departures from prior decisions involving similar conduct must be
14 explained in the department of homeland security's findings or orders.

15 (o) A certificate holder may not surrender the certificate holder's
16 certificate, and a license holder may not surrender the license holder's
17 license, without the written approval of the department of homeland
18 security, and the department of homeland security may impose any
19 conditions appropriate to the surrender or reinstatement of a
20 surrendered certificate or license.

21 (p) For purposes of this section, "certificate holder" means a person
22 who holds:

- 23 (1) an unlimited certificate;
- 24 (2) a limited or probationary certificate; or
- 25 (3) an inactive certificate.

26 (q) For purposes of this section, "license holder" means a person
27 who holds:

- 28 (1) an unlimited license;
- 29 (2) a limited or probationary license; or
- 30 (3) an inactive license.

31 SECTION 8. IC 16-31-3-14.5, AS AMENDED BY P.L.198-2018,
32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2019]: Sec. 14.5. The department of homeland security may
34 issue an order under IC 4-21.5-3-6 to deny an applicant's request for
35 certification or licensure or permanently revoke a certificate or license
36 under procedures provided by section 14 of this chapter if the
37 individual who holds the certificate or license issued under this title is
38 convicted of any of the following:

- 39 (1) Dealing in a controlled substance resulting in death under
40 IC 35-42-1-1.5.
- 41 (2) Dealing in or manufacturing cocaine or a narcotic drug under
42 IC 35-48-4-1.



- 1 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
 2 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
 3 (5) Dealing in a schedule I, II, or III controlled substance under
 4 IC 35-48-4-2.
 5 (6) Dealing in a schedule IV controlled substance under
 6 IC 35-48-4-3.
 7 (7) Dealing in a schedule V controlled substance under
 8 IC 35-48-4-4.
 9 (8) Dealing in a substance represented to be a controlled
 10 substance under IC 35-48-4-4.5.
 11 (9) Knowingly or intentionally manufacturing, advertising,
 12 distributing, or possessing with intent to manufacture, advertise,
 13 or distribute a substance represented to be a controlled substance
 14 under IC 35-48-4-4.6.
 15 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 16 (11) Dealing in ~~marijuana~~, hash oil, hashish, or salvia as a felony
 17 under IC 35-48-4-10.
 18 (12) Dealing in a synthetic drug or synthetic drug lookalike
 19 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)
 20 before its amendment in 2013).
 21 (13) Conspiracy under IC 35-41-5-2 to commit an offense listed
 22 in this section.
 23 (14) Attempt under IC 35-41-5-1 to commit an offense listed in
 24 this section.
 25 (15) A crime of violence (as defined in IC 35-50-1-2(a)).
 26 (16) An offense in any other jurisdiction in which the elements of
 27 the offense for which the conviction was entered are substantially
 28 similar to the elements of an offense described under this section.
 29 SECTION 9. IC 16-42-27-2, AS AMENDED BY P.L.6-2016,
 30 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2019]: Sec. 2. (a) A prescriber may, directly or by standing
 32 order, prescribe or dispense an overdose intervention drug without
 33 examining the individual to whom it may be administered if all of the
 34 following conditions are met:
 35 (1) The overdose intervention drug is dispensed or prescribed to:
 36 (A) a person at risk of experiencing an opioid-related
 37 overdose; or
 38 (B) a family member, a friend, or any other individual or entity
 39 in a position to assist an individual who, there is reason to
 40 believe, is at risk of experiencing an opioid-related overdose.
 41 (2) The prescriber instructs the individual receiving the overdose
 42 intervention drug or prescription to summon emergency services



- 1 either immediately before or immediately after administering the
 2 overdose intervention drug to an individual experiencing an
 3 opioid-related overdose.
- 4 (3) The prescriber provides education and training on drug
 5 overdose response and treatment, including the administration of
 6 an overdose intervention drug.
- 7 (4) The prescriber provides drug addiction treatment information
 8 and referrals to drug treatment programs, including programs in
 9 the local area and programs that offer medication assisted
 10 treatment that includes a federal Food and Drug Administration
 11 approved long acting, nonaddictive medication for the treatment
 12 of opioid or alcohol dependence.
- 13 (b) A prescriber may provide a prescription of an overdose
 14 intervention drug to an individual as a part of the individual's addiction
 15 treatment plan.
- 16 (c) An individual described in subsection (a)(1) may administer an
 17 overdose intervention drug to an individual who is suffering from an
 18 overdose.
- 19 (d) An individual described in subsection (a)(1) may not be
 20 considered to be practicing medicine without a license in violation of
 21 IC 25-22.5-8-2, if the individual, acting in good faith, does the
 22 following:
- 23 (1) Obtains the overdose intervention drug from a prescriber or
 24 entity acting under a standing order issued by a prescriber.
- 25 (2) Administers the overdose intervention drug to an individual
 26 who is experiencing an apparent opioid-related overdose.
- 27 (3) Attempts to summon emergency services either immediately
 28 before or immediately after administering the overdose
 29 intervention drug.
- 30 (e) An entity acting under a standing order issued by a prescriber
 31 must do the following:
- 32 (1) Annually register with either the:
- 33 (A) state department; or
- 34 (B) local health department in the county where services will
 35 be provided by the entity;
- 36 in a manner prescribed by the state department.
- 37 (2) Provide education and training on drug overdose response and
 38 treatment, including the administration of an overdose
 39 intervention drug.
- 40 (3) Provide drug addiction treatment information and referrals to
 41 drug treatment programs, including programs in the local area and
 42 programs that offer medication assisted treatment that includes a



1 federal Food and Drug Administration approved long acting,
 2 nonaddictive medication for the treatment of opioid or alcohol
 3 dependence.

4 (4) Submit an annual report to the state department containing:
 5 (A) the number of sales of the overdose intervention drug
 6 dispensed;
 7 (B) the dates of sale of the overdose intervention drug
 8 dispensed; and
 9 (C) any additional information requested by the state
 10 department.

11 (f) The state department shall ensure that a statewide standing order
 12 for the dispensing of an overdose intervention drug in Indiana is issued
 13 under this section. The state health commissioner or a designated
 14 public health authority who is a licensed prescriber may, as part of the
 15 individual's official capacity, issue a statewide standing order that may
 16 be used for the dispensing of an overdose intervention drug under this
 17 section. The immunity provided in IC 34-13-3-3 applies to an
 18 individual described in this subsection.

19 (g) A law enforcement officer may not take an individual into
 20 custody based solely on the commission of an offense described in
 21 subsection (h), if the law enforcement officer, after making a
 22 reasonable determination and considering the facts and surrounding
 23 circumstances, reasonably believes that the individual:

- 24 (1) obtained the overdose intervention drug as described in
 25 subsection (a)(1);
 26 (2) complied with the provisions in subsection (d);
 27 (3) administered an overdose intervention drug to an individual
 28 who appeared to be experiencing an opioid-related overdose;
 29 (4) provided:
 30 (A) the individual's full name; and
 31 (B) any other relevant information requested by the law
 32 enforcement officer;
 33 (5) remained at the scene with the individual who reasonably
 34 appeared to be in need of medical assistance until emergency
 35 medical assistance arrived;
 36 (6) cooperated with emergency medical assistance personnel and
 37 law enforcement officers at the scene; and
 38 (7) came into contact with law enforcement because the
 39 individual requested emergency medical assistance for another
 40 individual who appeared to be experiencing an opioid-related
 41 overdose.

42 (h) An individual who meets the criteria in subsection (g) is immune



1 from criminal prosecution for the following:

- 2 (1) IC 35-48-4-6 (possession of cocaine).
- 3 (2) IC 35-48-4-6.1 (possession of methamphetamine).
- 4 (3) IC 35-48-4-7 (possession of a controlled substance).
- 5 (4) IC 35-48-4-8.3 (possession of paraphernalia).
- 6 (5) IC 35-48-4-11 (possession of **hashish, hash oil, or salvia, or**
- 7 **possession of marijuana before its amendment on July 1, 2019).**
- 8 (6) IC 35-48-4-11.5 (possession of a synthetic drug or synthetic
- 9 drug lookalike substance).

10 SECTION 10. IC 20-28-5-8, AS AMENDED BY P.L.161-2018,
 11 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2019]: Sec. 8. (a) This section applies when a prosecuting
 13 attorney knows that a licensed employee of a public school or a
 14 nonpublic school has been convicted of an offense listed in subsection
 15 (c). The prosecuting attorney shall immediately give written notice of
 16 the conviction to the following:

- 17 (1) The state superintendent.
- 18 (2) Except as provided in subdivision (3), the superintendent of
- 19 the school corporation that employs the licensed employee or the
- 20 equivalent authority if a nonpublic school employs the licensed
- 21 employee.
- 22 (3) The presiding officer of the governing body of the school
- 23 corporation that employs the licensed employee, if the convicted
- 24 licensed employee is the superintendent of the school corporation.

25 (b) The superintendent of a school corporation, presiding officer of
 26 the governing body, or equivalent authority for a nonpublic school shall
 27 immediately notify the state superintendent when the individual knows
 28 that a current or former licensed employee of the public school or
 29 nonpublic school has been convicted of an offense listed in subsection
 30 (c), or when the governing body or equivalent authority for a nonpublic
 31 school takes any final action in relation to an employee who engaged
 32 in any offense listed in subsection (c).

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

- 36 (1) Kidnapping (IC 35-42-3-2).
- 37 (2) Criminal confinement (IC 35-42-3-3).
- 38 (3) Rape (IC 35-42-4-1).
- 39 (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 40 (5) Child molesting (IC 35-42-4-3).
- 41 (6) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- 42 (7) Vicarious sexual gratification (IC 35-42-4-5).



- 1 (8) Child solicitation (IC 35-42-4-6).
- 2 (9) Child seduction (IC 35-42-4-7).
- 3 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 4 (11) Incest (IC 35-46-1-3).
- 5 (12) Dealing in or manufacturing cocaine or a narcotic drug
- 6 (IC 35-48-4-1).
- 7 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- 8 (14) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 9 (15) Dealing in a schedule I, II, or III controlled substance
- 10 (IC 35-48-4-2).
- 11 (16) Dealing in a schedule IV controlled substance
- 12 (IC 35-48-4-3).
- 13 (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 14 (18) Dealing in a counterfeit substance (IC 35-48-4-5).
- 15 (19) Dealing in ~~marijuana~~, hash oil, hashish, or salvia as a felony
- 16 (IC 35-48-4-10).
- 17 (20) Dealing in a synthetic drug or synthetic drug lookalike
- 18 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its
- 19 amendment in 2013).
- 20 (21) Possession of child pornography (IC 35-42-4-4(d) or
- 21 IC 35-42-4-4(e)).
- 22 (22) Homicide (IC 35-42-1).
- 23 (23) Voluntary manslaughter (IC 35-42-1-3).
- 24 (24) Reckless homicide (IC 35-42-1-5).
- 25 (25) Battery as any of the following:
- 26 (A) A Class A felony (for a crime committed before July 1,
- 27 2014) or a Level 2 felony (for a crime committed after June
- 28 30, 2014).
- 29 (B) A Class B felony (for a crime committed before July 1,
- 30 2014) or a Level 3 felony (for a crime committed after June
- 31 30, 2014).
- 32 (C) A Class C felony (for a crime committed before July 1,
- 33 2014) or a Level 5 felony (for a crime committed after June
- 34 30, 2014).
- 35 (26) Aggravated battery (IC 35-42-2-1.5).
- 36 (27) Robbery (IC 35-42-5-1).
- 37 (28) Carjacking (IC 35-42-5-2) (before its repeal).
- 38 (29) Arson as a Class A felony or Class B felony (for a crime
- 39 committed before July 1, 2014) or as a Level 2, Level 3, or Level
- 40 4 felony (for a crime committed after June 30, 2014)
- 41 (IC 35-43-1-1(a)).
- 42 (30) Burglary as a Class A felony or Class B felony (for a crime



- 1 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
 2 or Level 4 felony (for a crime committed after June 30, 2014)
 3 (IC 35-43-2-1).
 4 (31) Human trafficking (IC 35-42-3.5).
 5 (32) Dealing in a controlled substance resulting in death
 6 (IC 35-42-1-1.5).
 7 (33) Attempt under IC 35-41-5-1 to commit an offense listed in
 8 this subsection.
 9 (34) Conspiracy under IC 35-41-5-2 to commit an offense listed
 10 in this subsection.
- 11 (d) The department shall permanently revoke the license of a person
 12 who is known by the department to have been convicted of a federal
 13 offense or an offense in another state that is comparable to a felony
 14 listed in subsection (c).
- 15 (e) A license may be suspended by the state superintendent as
 16 specified in IC 20-28-7.5.
- 17 (f) The department shall develop a data base of information on
 18 school corporation employees who have been reported to the
 19 department under this section.
- 20 (g) Upon receipt of information from the office of judicial
 21 administration in accordance with IC 33-24-6-3 concerning persons
 22 convicted of an offense listed in subsection (c), the department shall:
- 23 (1) cross check the information received from the office of
 24 judicial administration with information concerning licensed
 25 teachers (as defined in IC 20-18-2-22(b)) maintained by the
 26 department; and
 27 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been
 28 convicted of an offense described in subsection (c), revoke the
 29 licensed teacher's license.
- 30 SECTION 11. IC 22-15-5-16, AS AMENDED BY P.L.198-2018,
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2019]: Sec. 16. (a) A practitioner shall comply with the
 33 standards established under this licensing program. A practitioner is
 34 subject to the exercise of the disciplinary sanctions under subsection
 35 (b) if the department finds that a practitioner has:
- 36 (1) engaged in or knowingly cooperated in fraud or material
 37 deception in order to obtain a license to practice, including
 38 cheating on a licensing examination;
 39 (2) engaged in fraud or material deception in the course of
 40 professional services or activities;
 41 (3) advertised services or goods in a false or misleading manner;
 42 (4) falsified or knowingly allowed another person to falsify



- 1 attendance records or certificates of completion of continuing
 2 education courses provided under this chapter;
 3 (5) been convicted of a crime that has a direct bearing on the
 4 practitioner's ability to continue to practice competently;
 5 (6) knowingly violated a state statute or rule or federal statute or
 6 regulation regulating the profession for which the practitioner is
 7 licensed;
 8 (7) continued to practice although the practitioner has become
 9 unfit to practice due to:
 10 (A) professional incompetence;
 11 (B) failure to keep abreast of current professional theory or
 12 practice;
 13 (C) physical or mental disability; or
 14 (D) addiction to, abuse of, or severe dependency on alcohol or
 15 other drugs that endanger the public by impairing a
 16 practitioner's ability to practice safely;
 17 (8) engaged in a course of lewd or immoral conduct in connection
 18 with the delivery of services to the public;
 19 (9) allowed the practitioner's name or a license issued under this
 20 chapter to be used in connection with an individual or business
 21 who renders services beyond the scope of that individual's or
 22 business's training, experience, or competence;
 23 (10) had disciplinary action taken against the practitioner or the
 24 practitioner's license to practice in another state or jurisdiction on
 25 grounds similar to those under this chapter;
 26 (11) assisted another person in committing an act that would
 27 constitute a ground for disciplinary sanction under this chapter;
 28 or
 29 (12) allowed a license issued by the department to be:
 30 (A) used by another person; or
 31 (B) displayed to the public when the license has expired, is
 32 inactive, is invalid, or has been revoked or suspended.
- 33 For purposes of subdivision (10), a certified copy of a record of
 34 disciplinary action constitutes prima facie evidence of a disciplinary
 35 action in another jurisdiction.
- 36 (b) The department may impose one (1) or more of the following
 37 sanctions if the department finds that a practitioner is subject to
 38 disciplinary sanctions under subsection (a):
 39 (1) Permanent revocation of a practitioner's license.
 40 (2) Suspension of a practitioner's license.
 41 (3) Censure of a practitioner.
 42 (4) Issuance of a letter of reprimand.



1 (5) Assessment of a civil penalty against the practitioner in
2 accordance with the following:

3 (A) The civil penalty may not be more than one thousand
4 dollars (\$1,000) for each violation listed in subsection (a),
5 except for a finding of incompetency due to a physical or
6 mental disability.

7 (B) When imposing a civil penalty, the department shall
8 consider a practitioner's ability to pay the amount assessed. If
9 the practitioner fails to pay the civil penalty within the time
10 specified by the department, the department may suspend the
11 practitioner's license without additional proceedings. However,
12 a suspension may not be imposed if the sole basis for the
13 suspension is the practitioner's inability to pay a civil penalty.

14 (6) Placement of a practitioner on probation status and
15 requirement of the practitioner to:

16 (A) report regularly to the department upon the matters that
17 are the basis of probation;

18 (B) limit practice to those areas prescribed by the department;

19 (C) continue or renew professional education approved by the
20 department until a satisfactory degree of skill has been attained
21 in those areas that are the basis of the probation; or

22 (D) perform or refrain from performing any acts, including
23 community restitution or service without compensation, that
24 the department considers appropriate to the public interest or
25 to the rehabilitation or treatment of the practitioner.

26 The department may withdraw or modify this probation if the
27 department finds after a hearing that the deficiency that required
28 disciplinary action has been remedied or that changed
29 circumstances warrant a modification of the order.

30 (c) If an applicant or a practitioner has engaged in or knowingly
31 cooperated in fraud or material deception to obtain a license to
32 practice, including cheating on the licensing examination, the
33 department may rescind the license if it has been granted, void the
34 examination or other fraudulent or deceptive material, and prohibit the
35 applicant from reapplying for the license for a length of time
36 established by the department.

37 (d) The department may deny licensure to an applicant who has had
38 disciplinary action taken against the applicant or the applicant's license
39 to practice in another state or jurisdiction or who has practiced without
40 a license in violation of the law. A certified copy of the record of
41 disciplinary action is conclusive evidence of the other jurisdiction's
42 disciplinary action.



1 (e) The department may order a practitioner to submit to a
 2 reasonable physical or mental examination if the practitioner's physical
 3 or mental capacity to practice safely and competently is at issue in a
 4 disciplinary proceeding. Failure to comply with a department order to
 5 submit to a physical or mental examination makes a practitioner liable
 6 to temporary suspension under subsection (j).

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

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

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

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

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

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

22 (5) Manufacture 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 35-48-4-8.1(b).

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

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

32 (8) Possession of ~~marijuana~~, hash oil, hashish, or salvia as a Class
 33 D felony (for a crime committed before July 1, 2014) or a Level
 34 6 felony (for a crime committed after June 30, 2014) under
 35 IC 35-48-4-11.

36 (9) Possession of a synthetic drug or synthetic drug lookalike
 37 substance as a:

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

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

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

42 (B) Level 6 felony for a crime committed after June 30, 2014,



- 1 under IC 35-48-4-11.5.
- 2 (10) Maintaining a common nuisance under IC 35-48-4-13
- 3 (repealed) or IC 35-45-1-5, if the common nuisance involves a
- 4 controlled substance.
- 5 (11) An offense relating to registration, labeling, and prescription
- 6 forms under IC 35-48-4-14.
- 7 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 8 in this subsection.
- 9 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
- 10 this subsection.
- 11 (14) An offense in any other jurisdiction in which the elements of
- 12 the offense for which the conviction was entered are substantially
- 13 similar to the elements of an offense described in this subsection.
- 14 (h) The department shall deny, revoke, or suspend a license issued
- 15 under this chapter if the individual who holds the license is convicted
- 16 of any of the following:
- 17 (1) Dealing in a controlled substance resulting in death under
- 18 IC 35-42-1-1.5.
- 19 (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- 20 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 21 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 22 (5) Dealing in a schedule I, II, or III controlled substance under
- 23 IC 35-48-4-2.
- 24 (6) Dealing in a schedule IV controlled substance under
- 25 IC 35-48-4-3.
- 26 (7) Dealing in a schedule V controlled substance under
- 27 IC 35-48-4-4.
- 28 (8) Dealing in a substance represented to be a controlled
- 29 substance under IC 35-48-4-4.5.
- 30 (9) Knowingly or intentionally manufacturing, advertising,
- 31 distributing, or possessing with intent to manufacture, advertise,
- 32 or distribute a substance represented to be a controlled substance
- 33 under IC 35-48-4-4.6.
- 34 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 35 (11) Dealing in ~~marijuana~~, hash oil, hashish, or salvia as a felony
- 36 under IC 35-48-4-10.
- 37 (12) Dealing in a synthetic drug or synthetic drug lookalike
- 38 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)
- 39 before its amendment in 2013).
- 40 (13) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 41 in this subsection.
- 42 (14) Attempt under IC 35-41-5-1 to commit an offense listed in



- 1 this subsection.
- 2 (15) An offense in any other jurisdiction in which the elements of
- 3 the offense for which the conviction was entered are substantially
- 4 similar to the elements of an offense described in this subsection.
- 5 (16) A violation of any federal or state drug law or rule related to
- 6 wholesale legend drug distributors licensed under IC 25-26-14.
- 7 (i) A decision of the department under subsections (b) through (h)
- 8 may be appealed to the commission under IC 4-21.5-3-7.
- 9 (j) The department may temporarily suspend a practitioner's license
- 10 under IC 4-21.5-4 before a final adjudication or during the appeals
- 11 process if the department finds that a practitioner represents a clear and
- 12 immediate danger to the public's health, safety, or property if the
- 13 practitioner is allowed to continue to practice.
- 14 (k) On receipt of a complaint or an information alleging that a
- 15 person licensed under this chapter has engaged in or is engaging in a
- 16 practice that jeopardizes the public health, safety, or welfare, the
- 17 department shall initiate an investigation against the person.
- 18 (l) Any complaint filed with the office of the attorney general
- 19 alleging a violation of this licensing program shall be referred to the
- 20 department for summary review and for its general information and any
- 21 authorized action at the time of the filing.
- 22 (m) The department shall conduct a fact finding investigation as the
- 23 department considers proper in relation to the complaint.
- 24 (n) The department may reinstate a license that has been suspended
- 25 under this section if, after a hearing, the department is satisfied that the
- 26 applicant is able to practice with reasonable skill, safety, and
- 27 competency to the public. As a condition of reinstatement, the
- 28 department may impose disciplinary or corrective measures authorized
- 29 under this chapter.
- 30 (o) The department may not reinstate a license that has been
- 31 revoked under this chapter. An individual whose license has been
- 32 revoked under this chapter may not apply for a new license until seven
- 33 (7) years after the date of revocation.
- 34 (p) The department shall seek to achieve consistency in the
- 35 application of sanctions authorized in this chapter. Significant
- 36 departures from prior decisions involving similar conduct must be
- 37 explained in the department's findings or orders.
- 38 (q) A practitioner may petition the department to accept the
- 39 surrender of the practitioner's license instead of having a hearing before
- 40 the commission. The practitioner may not surrender the practitioner's
- 41 license without the written approval of the department, and the
- 42 department may impose any conditions appropriate to the surrender or



1 reinstatement of a surrendered license.

2 (r) A practitioner who has been subjected to disciplinary sanctions
3 may be required by the commission to pay the costs of the proceeding.
4 The practitioner's ability to pay shall be considered when costs are
5 assessed. If the practitioner fails to pay the costs, a suspension may not
6 be imposed solely upon the practitioner's inability to pay the amount
7 assessed. The costs are limited to costs for the following:

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

17 SECTION 12. IC 25-1-1.1-2, AS AMENDED BY P.L.85-2017,
18 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2019]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
20 commission, or a committee may suspend, deny, or revoke a license or
21 certificate issued under this title by the board, the commission, or the
22 committee without an investigation by the office of the attorney general
23 if the individual who holds the license or certificate is convicted of any
24 of the following and the board, commission, or committee determines,
25 after the individual has appeared in person, that the offense affects the
26 individual's ability to perform the duties of the profession:

- 27 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
28 (2) Possession of methamphetamine under IC 35-48-4-6.1.
29 (3) Possession of a controlled substance under IC 35-48-4-7(a).
30 (4) Fraudulently obtaining a controlled substance under
31 IC 35-48-4-7(c).
32 (5) Manufacture of paraphernalia as a Class D felony (for a crime
33 committed before July 1, 2014) or a Level 6 felony (for a crime
34 committed after June 30, 2014) under IC 35-48-4-8.1(b).
35 (6) Dealing in paraphernalia as a Class D felony (for a crime
36 committed before July 1, 2014) or a Level 6 felony (for a crime
37 committed after June 30, 2014) under IC 35-48-4-8.5(b).
38 (7) Possession of paraphernalia as a Class D felony (for a crime
39 committed before July 1, 2014) or a Level 6 felony (for a crime
40 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
41 its amendment on July 1, 2015).
42 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class



- 1 D felony (for a crime committed before July 1, 2014) or a Level
 2 6 felony (for a crime committed after June 30, 2014) under
 3 IC 35-48-4-11.
- 4 (9) Possession of a synthetic drug or synthetic drug lookalike
 5 substance as a:
- 6 (A) Class D felony for a crime committed before July 1, 2014,
 7 under:
- 8 (i) IC 35-48-4-11, before its amendment in 2013; or
 9 (ii) IC 35-48-4-11.5; or
- 10 (B) Level 6 felony for a crime committed after June 30, 2014,
 11 under IC 35-48-4-11.5.
- 12 (10) Maintaining a common nuisance under IC 35-48-4-13
 13 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 14 controlled substance.
- 15 (11) An offense relating to registration, labeling, and prescription
 16 forms under IC 35-48-4-14.
- 17 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
 18 in this section.
- 19 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
 20 this section.
- 21 (14) A sex crime under IC 35-42-4.
- 22 (15) A felony that reflects adversely on the individual's fitness to
 23 hold a professional license.
- 24 (16) An offense in any other jurisdiction in which the elements of
 25 the offense for which the conviction was entered are substantially
 26 similar to the elements of an offense described in this section.
- 27 SECTION 13. IC 25-1-1.1-3, AS AMENDED BY P.L.198-2018,
 28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 3. A board, a commission, or a committee shall
 30 revoke or suspend a license or certificate issued under this title by the
 31 board, the commission, or the committee if the individual who holds
 32 the license or certificate is convicted of any of the following:
- 33 (1) Dealing in a controlled substance resulting in death under
 34 IC 35-42-1-1.5.
- 35 (2) Dealing in or manufacturing cocaine or a narcotic drug under
 36 IC 35-48-4-1.
- 37 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 38 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 39 (5) Dealing in a schedule I, II, or III controlled substance under
 40 IC 35-48-4-2.
- 41 (6) Dealing in a schedule IV controlled substance under
 42 IC 35-48-4-3.



- 1 (7) Dealing in a schedule V controlled substance under
 2 IC 35-48-4-4.
 3 (8) Dealing in a substance represented to be a controlled
 4 substance under IC 35-48-4-4.5.
 5 (9) Knowingly or intentionally manufacturing, advertising,
 6 distributing, or possessing with intent to manufacture, advertise,
 7 or distribute a substance represented to be a controlled substance
 8 under IC 35-48-4-4.6.
 9 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 10 (11) Dealing in ~~marijuana~~, hash oil, hashish, or salvia as a felony
 11 under IC 35-48-4-10.
 12 (12) Dealing in a synthetic drug or synthetic drug lookalike
 13 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)
 14 before its amendment in 2013).
 15 (13) Conspiracy under IC 35-41-5-2 to commit an offense listed
 16 in this section.
 17 (14) Attempt under IC 35-41-5-1 to commit an offense listed in
 18 this section.
 19 (15) An offense in any other jurisdiction in which the elements of
 20 the offense for which the conviction was entered are substantially
 21 similar to the elements of an offense described in this section.
 22 (16) A violation of any federal or state drug law or rule related to
 23 wholesale legend drug distributors licensed under IC 25-26-14.
 24 SECTION 14. IC 33-37-4-1, AS AMENDED BY P.L.24-2018,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 1. (a) For each action that results in a felony
 27 conviction under IC 35-50-2 or a misdemeanor conviction under
 28 IC 35-50-3, the clerk shall collect from the defendant a criminal costs
 29 fee of one hundred twenty dollars (\$120).
 30 (b) In addition to the criminal costs fee collected under this section,
 31 the clerk shall collect from the defendant the following fees if they are
 32 required under IC 33-37-5:
 33 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 34 IC 33-37-5-4).
 35 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~
 36 ~~(3)~~ (2) An alcohol and drug services program fee
 37 (IC 33-37-5-8(b)).
 38 ~~(4)~~ (3) A law enforcement continuing education program fee
 39 (IC 33-37-5-8(c)).
 40 ~~(5)~~ (4) A drug abuse, prosecution, interdiction, and correction fee
 41 (IC 33-37-5-9).
 42 ~~(6)~~ (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).



- 1 ~~(7)~~ **(6)** A child abuse prevention fee (IC 33-37-5-12).
 2 ~~(8)~~ **(7)** A domestic violence prevention and treatment fee
 3 (IC 33-37-5-13).
 4 ~~(9)~~ **(8)** A highway worksite zone fee (IC 33-37-5-14).
 5 ~~(10)~~ **(9)** A deferred prosecution fee (IC 33-37-5-17).
 6 ~~(11)~~ **(10)** A document storage fee (IC 33-37-5-20).
 7 ~~(12)~~ **(11)** An automated record keeping fee (IC 33-37-5-21).
 8 ~~(13)~~ **(12)** A late payment fee (IC 33-37-5-22).
 9 ~~(14)~~ **(13)** A sexual assault victims assistance fee (IC 33-37-5-23).
 10 ~~(15)~~ **(14)** A public defense administration fee (IC 33-37-5-21.2).
 11 ~~(16)~~ **(15)** A judicial insurance adjustment fee (IC 33-37-5-25).
 12 ~~(17)~~ **(16)** A judicial salaries fee (IC 33-37-5-26).
 13 ~~(18)~~ **(17)** A court administration fee (IC 33-37-5-27).
 14 ~~(19)~~ **(18)** A DNA sample processing fee (IC 33-37-5-26.2).
 15 (c) Instead of the criminal costs fee prescribed by this section,
 16 except for the automated record keeping fee (IC 33-37-5-21), the clerk
 17 shall collect a pretrial diversion program fee if an agreement between
 18 the prosecuting attorney and the accused person entered into under
 19 IC 33-39-1-8 requires payment of those fees by the accused person.
 20 The pretrial diversion program fee is:
 21 (1) an initial user's fee of fifty dollars (\$50) for a misdemeanor
 22 offense;
 23 (2) an initial user's fee of seventy-five dollars (\$75) for a felony
 24 offense;
 25 (3) a monthly user's fee of twenty dollars (\$20) for each month
 26 that the person remains in the pretrial diversion program; and
 27 (4) any additional program fee or cost that is:
 28 (A) reasonably related to the person's rehabilitation; and
 29 (B) approved by the court.
 30 A monthly user fee may not be collected beyond the maximum length
 31 of the possible sentence.
 32 (d) The clerk shall transfer to the county auditor or city or town
 33 fiscal officer the following fees, not later than thirty (30) days after the
 34 fees are collected:
 35 (1) The pretrial diversion fee.
 36 ~~(2) The marijuana eradication program fee.~~
 37 ~~(3)~~ **(2)** The alcohol and drug services program fee.
 38 ~~(4)~~ **(3)** The law enforcement continuing education program fee.
 39 The auditor or fiscal officer shall deposit fees transferred under this
 40 subsection in the appropriate user fee fund established under
 41 IC 33-37-8.
 42 (e) Unless otherwise directed by a court, if a clerk collects only part



1 of a criminal costs fee from a defendant under this section, the clerk
2 shall distribute the partial payment of the criminal costs fee as follows:

3 (1) The clerk shall apply the partial payment to general court
4 costs.

5 (2) If there is money remaining after the partial payment is
6 applied to general court costs under subdivision (1), the clerk
7 shall distribute the remainder of the partial payment for deposit in
8 the appropriate county user fee fund.

9 (3) If there is money remaining after distribution under
10 subdivision (2), the clerk shall distribute the remainder of the
11 partial payment for deposit in the state user fee fund.

12 (4) If there is money remaining after distribution under
13 subdivision (3), the clerk shall distribute the remainder of the
14 partial payment to any other applicable user fee fund.

15 (5) If there is money remaining after distribution under
16 subdivision (4), the clerk shall apply the remainder of the partial
17 payment to any outstanding fines owed by the defendant.

18 SECTION 15. IC 33-37-4-3, AS AMENDED BY P.L.85-2017,
19 SECTION 110, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The clerk shall collect a
21 juvenile costs fee of one hundred twenty dollars (\$120) for each action
22 filed under any of the following:

23 (1) IC 31-34 (children in need of services).

24 (2) IC 31-37 (delinquent children).

25 (3) IC 31-14 (paternity).

26 (b) In addition to the juvenile costs fee collected under this section,
27 the clerk shall collect the following fees, if they are required under
28 IC 33-37-5:

29 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
30 IC 33-37-5-4).

31 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~

32 ~~(3)~~ (2) An alcohol and drug services program fee
33 (IC 33-37-5-8(b)).

34 ~~(4)~~ (3) A law enforcement continuing education program fee
35 (IC 33-37-5-8(c)).

36 ~~(5)~~ (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).

37 ~~(6)~~ (5) A document storage fee (IC 33-37-5-20).

38 ~~(7)~~ (6) An automated record keeping fee (IC 33-37-5-21).

39 ~~(8)~~ (7) A late payment fee (IC 33-37-5-22).

40 ~~(9)~~ (8) A public defense administration fee (IC 33-37-5-21.2).

41 ~~(10)~~ (9) A judicial insurance adjustment fee (IC 33-37-5-25).

42 ~~(11)~~ (10) A judicial salaries fee (IC 33-37-5-26).



- 1 ~~(12)~~ **(11)** A court administration fee (IC 33-37-5-27).
 2 ~~(13)~~ **(12)** A DNA sample processing fee (IC 33-37-5-26.2).
 3 (c) The clerk shall transfer to the county auditor or city or town
 4 fiscal officer the following fees not later than thirty (30) days after they
 5 are collected:
 6 ~~(1)~~ **(1)** The alcohol and drug services program fee
 7 (IC 33-37-5-8(b)).
 8 ~~(2)~~ **(2)** The law enforcement continuing education program fee
 9 (IC 33-37-5-8(c)).
 10 The auditor or fiscal officer shall deposit the fees in the appropriate
 11 user fee fund established under IC 33-37-8.
 12 SECTION 16. IC 33-37-5-7 IS REPEALED [EFFECTIVE JULY 1,
 13 2019]. **Sec. 7:** (a) This section applies to criminal actions:
 14 ~~(b)~~ **(b)** The clerk shall collect the marijuana eradication program fee set
 15 by the court under ~~IC 15-16-7-8~~, if:
 16 ~~(1)~~ **(1)** a weed control board has been established in the county under
 17 ~~IC 15-16-7-3~~; and
 18 ~~(2)~~ **(2)** the person has been convicted of an offense under ~~IC 35-48-4~~
 19 in a case prosecuted in that county.
 20 ~~(c)~~ **(c)** The court may set a fee under this section of not more than three
 21 hundred dollars ~~(\$300)~~.
 22 SECTION 17. IC 33-37-7-2, AS AMENDED BY P.L.39-2017,
 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: **Sec. 2.** (a) The clerk of a circuit court shall distribute
 25 semiannually to the auditor of state as the state share for deposit in the
 26 homeowner protection unit account established by IC 4-6-12-9 one
 27 hundred percent (100%) of the automated record keeping fees collected
 28 under IC 33-37-5-21 with respect to actions resulting in the accused
 29 person entering into a pretrial diversion program agreement under
 30 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and
 31 for deposit in the state general fund seventy percent (70%) of the
 32 amount of fees collected under the following:
 33 (1) IC 33-37-4-1(a) (criminal costs fees).
 34 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 35 (3) IC 33-37-4-3(a) (juvenile costs fees).
 36 (4) IC 33-37-4-4(a) (civil costs fees).
 37 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 38 (6) IC 33-37-4-7(a) (probate costs fees).
 39 (7) IC 33-37-5-17 (deferred prosecution fees).
 40 (b) The clerk of a circuit court shall distribute semiannually to the
 41 auditor of state for deposit in the state user fee fund established in
 42



- 1 IC 33-37-9-2 the following:
- 2 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
3 interdiction, and correction fees collected under
4 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.
- 5 (2) Twenty-five percent (25%) of the alcohol and drug
6 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
7 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
8 **IC 33-37-4-3(b)(4)**.
- 9 (3) One hundred percent (100%) of the child abuse prevention
10 fees collected under ~~IC 33-37-4-1(b)(7)~~; **IC 33-37-4-1(b)(6)**.
- 11 (4) One hundred percent (100%) of the domestic violence
12 prevention and treatment fees collected under ~~IC 33-37-4-1(b)(8)~~;
13 **IC 33-37-4-1(b)(7)**.
- 14 (5) One hundred percent (100%) of the highway worksite zone
15 fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)** and
16 IC 33-37-4-2(b)(5).
- 17 (6) One hundred percent (100%) of the safe schools fee collected
18 under IC 33-37-5-18.
- 19 (7) One hundred percent (100%) of the automated record keeping
20 fee collected under IC 33-37-5-21 not distributed under
21 subsection (a).
- 22 (c) The clerk of a circuit court shall distribute monthly to the county
23 auditor the following:
- 24 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
25 interdiction, and correction fees collected under
26 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.
- 27 (2) Seventy-five percent (75%) of the alcohol and drug
28 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
29 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
30 **IC 33-37-4-3(b)(4)**.
- 31 The county auditor shall deposit fees distributed by a clerk under this
32 subsection into the county drug free community fund established under
33 IC 5-2-11.
- 34 (d) The clerk of a circuit court shall distribute monthly to the county
35 auditor one hundred percent (100%) of the late payment fees collected
36 under IC 33-37-5-22. The county auditor shall deposit fees distributed
37 by a clerk under this subsection as follows:
- 38 (1) If directed to do so by an ordinance adopted by the county
39 fiscal body, the county auditor shall deposit forty percent (40%)
40 of the fees in the clerk's record perpetuation fund established
41 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
42 county general fund.



- 1 (2) If the county fiscal body has not adopted an ordinance
 2 described in subdivision (1), the county auditor shall deposit all
 3 the fees in the county general fund.
- 4 (e) The clerk of the circuit court shall distribute semiannually to the
 5 auditor of state for deposit in the sexual assault victims assistance fund
 6 established by IC 5-2-6-23(j) one hundred percent (100%) of the sexual
 7 assault victims assistance fees collected under IC 33-37-5-23.
- 8 (f) The clerk of a circuit court shall distribute monthly to the county
 9 auditor the following:
- 10 (1) One hundred percent (100%) of the support and maintenance
 11 fees for cases designated as non-Title IV-D child support cases in
 12 the Indiana support enforcement tracking system (ISETS) or the
 13 successor statewide automated support enforcement system
 14 collected under IC 33-37-5-6.
- 15 (2) The percentage share of the support and maintenance fees for
 16 cases designated as Title IV-D child support cases in ISETS or the
 17 successor statewide automated support enforcement system
 18 collected under IC 33-37-5-6 that is reimbursable to the county at
 19 the federal financial participation rate.
- 20 The county clerk shall distribute monthly to the department of child
 21 services the percentage share of the support and maintenance fees for
 22 cases designated as Title IV-D child support cases in ISETS, or the
 23 successor statewide automated support enforcement system, collected
 24 under IC 33-37-5-6 that is not reimbursable to the county at the
 25 applicable federal financial participation rate.
- 26 (g) The clerk of a circuit court shall distribute monthly to the county
 27 auditor the following:
- 28 (1) One hundred percent (100%) of the small claims service fee
 29 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
 30 the county general fund.
- 31 (2) One hundred percent (100%) of the small claims garnishee
 32 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
 33 deposit in the county general fund.
- 34 (h) This subsection does not apply to court administration fees
 35 collected in small claims actions filed in a court described in IC 33-34.
 36 The clerk of a circuit court shall semiannually distribute to the auditor
 37 of state for deposit in the state general fund one hundred percent
 38 (100%) of the following:
- 39 (1) The public defense administration fee collected under
 40 IC 33-37-5-21.2.
- 41 (2) The judicial salaries fees collected under IC 33-37-5-26.
- 42 (3) The DNA sample processing fees collected under



1 IC 33-37-5-26.2.

2 (4) The court administration fees collected under IC 33-37-5-27.

3 (i) The clerk of a circuit court shall semiannually distribute to the
4 auditor of state for deposit in the judicial branch insurance adjustment
5 account established by IC 33-38-5-8.2 one hundred percent (100%) of
6 the judicial insurance adjustment fee collected under IC 33-37-5-25.

7 (j) The proceeds of the service fee collected under
8 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
9 follows:

10 (1) The clerk shall distribute one hundred percent (100%) of the
11 service fees collected in a circuit, superior, county, or probate
12 court to the county auditor for deposit in the county general fund.

13 (2) The clerk shall distribute one hundred percent (100%) of the
14 service fees collected in a city or town court to the city or town
15 fiscal officer for deposit in the city or town general fund.

16 (k) The proceeds of the garnishee service fee collected under
17 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
18 follows:

19 (1) The clerk shall distribute one hundred percent (100%) of the
20 garnishee service fees collected in a circuit, superior, county, or
21 probate court to the county auditor for deposit in the county
22 general fund.

23 (2) The clerk shall distribute one hundred percent (100%) of the
24 garnishee service fees collected in a city or town court to the city
25 or town fiscal officer for deposit in the city or town general fund.

26 (l) The clerk of the circuit court shall distribute semiannually to the
27 auditor of state for deposit in the home ownership education account
28 established by IC 5-20-1-27 one hundred percent (100%) of the
29 following:

30 (1) The mortgage foreclosure counseling and education fees
31 collected under IC 33-37-5-33 (before its expiration on July 1,
32 2017).

33 (2) Any civil penalties imposed and collected by a court for a
34 violation of a court order in a foreclosure action under
35 IC 32-30-10.5.

36 (m) The clerk of a circuit court shall distribute semiannually to the
37 auditor of state one hundred percent (100%) of the pro bono legal
38 services fees collected before July 1, 2022, under IC 33-37-5-31. The
39 auditor of state shall transfer semiannually the pro bono legal services
40 fees to the Indiana Bar Foundation (or a successor entity) as the entity
41 designated to organize and administer the interest on lawyers trust
42 accounts (IOLTA) program under Rule 1.15 of the Rules of



1 Professional Conduct of the Indiana supreme court. The Indiana Bar
2 Foundation shall:

3 (1) deposit in an appropriate account and otherwise manage the
4 fees the Indiana Bar Foundation receives under this subsection in
5 the same manner the Indiana Bar Foundation deposits and
6 manages the net earnings the Indiana Bar Foundation receives
7 from IOLTA accounts; and

8 (2) use the fees the Indiana Bar Foundation receives under this
9 subsection to assist or establish approved pro bono legal services
10 programs.

11 The handling and expenditure of the pro bono legal services fees
12 received under this section by the Indiana Bar Foundation (or its
13 successor entity) are subject to audit by the state board of accounts. The
14 amounts necessary to make the transfers required by this subsection are
15 appropriated from the state general fund.

16 SECTION 18. IC 33-37-7-8, AS AMENDED BY P.L.39-2017,
17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2019]: Sec. 8. (a) The clerk of a city or town court shall
19 distribute semiannually to the auditor of state as the state share for
20 deposit in the homeowner protection unit account established by
21 IC 4-6-12-9 one hundred percent (100%) of the automated record
22 keeping fees collected under IC 33-37-5-21 with respect to actions
23 resulting in the accused person entering into a pretrial diversion
24 program agreement under IC 33-39-1-8 or a deferral program
25 agreement under IC 34-28-5-1 and for deposit in the state general fund
26 fifty-five percent (55%) of the amount of fees collected under the
27 following:

28 (1) IC 33-37-4-1(a) (criminal costs fees).

29 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

30 (3) IC 33-37-4-4(a) (civil costs fees).

31 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

32 (5) IC 33-37-5-17 (deferred prosecution fees).

33 (b) The city or town fiscal officer shall distribute monthly to the
34 county auditor as the county share twenty percent (20%) of the amount
35 of fees collected under the following:

36 (1) IC 33-37-4-1(a) (criminal costs fees).

37 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

38 (3) IC 33-37-4-4(a) (civil costs fees).

39 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

40 (5) IC 33-37-5-17 (deferred prosecution fees).

41 (c) The city or town fiscal officer shall retain twenty-five percent
42 (25%) as the city or town share of the fees collected under the



- 1 following:
- 2 (1) IC 33-37-4-1(a) (criminal costs fees).
- 3 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 4 (3) IC 33-37-4-4(a) (civil costs fees).
- 5 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 6 (5) IC 33-37-5-17 (deferred prosecution fees).
- 7 (d) The clerk of a city or town court shall distribute semiannually to
- 8 the auditor of state for deposit in the state user fee fund established in
- 9 IC 33-37-9 the following:
- 10 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
- 11 interdiction, and correction fees collected under
- 12 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.
- 13 (2) Twenty-five percent (25%) of the alcohol and drug
- 14 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
- 15 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
- 16 **IC 33-37-4-3(b)(4)**.
- 17 (3) One hundred percent (100%) of the highway worksite zone
- 18 fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)** and
- 19 IC 33-37-4-2(b)(5).
- 20 (4) One hundred percent (100%) of the safe schools fee collected
- 21 under IC 33-37-5-18.
- 22 (5) One hundred percent (100%) of the automated record keeping
- 23 fee collected under IC 33-37-5-21 not distributed under
- 24 subsection (a).
- 25 (e) The clerk of a city or town court shall distribute monthly to the
- 26 county auditor the following:
- 27 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 28 interdiction, and correction fees collected under
- 29 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.
- 30 (2) Seventy-five percent (75%) of the alcohol and drug
- 31 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
- 32 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
- 33 **IC 33-37-4-3(b)(4)**.
- 34 The county auditor shall deposit fees distributed by a clerk under this
- 35 subsection into the county drug free community fund established under
- 36 IC 5-2-11.
- 37 (f) The clerk of a city or town court shall distribute monthly to the
- 38 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
- 39 percent (100%) of the following:
- 40 (1) The late payment fees collected under IC 33-37-5-22.
- 41 (2) The small claims service fee collected under
- 42 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).



- 1 (3) The small claims garnishee service fee collected under
2 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).
3 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
4 fees distributed by a clerk under this subsection in the city or town
5 general fund.
- 6 (g) The clerk of a city or town court shall semiannually distribute to
7 the auditor of state for deposit in the state general fund one hundred
8 percent (100%) of the following:
- 9 (1) The public defense administration fee collected under
10 IC 33-37-5-21.2.
- 11 (2) The DNA sample processing fees collected under
12 IC 33-37-5-26.2.
- 13 (3) The court administration fees collected under IC 33-37-5-27.
- 14 (h) The clerk of a city or town court shall semiannually distribute to
15 the auditor of state for deposit in the judicial branch insurance
16 adjustment account established by IC 33-38-5-8.2 one hundred percent
17 (100%) of the judicial insurance adjustment fee collected under
18 IC 33-37-5-25.
- 19 (i) The clerk of a city or town court shall semiannually distribute to
20 the auditor of state for deposit in the state general fund seventy-five
21 percent (75%) of the judicial salaries fee collected under
22 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
23 percent (25%) of the judicial salaries fee collected under
24 IC 33-37-5-26. The funds retained by the city or town shall be
25 prioritized to fund city or town court operations.
- 26 (j) The clerk of a city or town court shall distribute semiannually to
27 the auditor of state one hundred percent (100%) of the pro bono legal
28 services fees collected before July 1, 2022, under IC 33-37-5-31. The
29 auditor of state shall transfer semiannually the pro bono legal services
30 fees to the Indiana Bar Foundation (or a successor entity) as the entity
31 designated to organize and administer the interest on lawyers trust
32 accounts (IOLTA) program under Rule 1.15 of the Rules of
33 Professional Conduct of the Indiana supreme court. The Indiana Bar
34 Foundation shall:
- 35 (1) deposit in an appropriate account and otherwise manage the
36 fees the Indiana Bar Foundation receives under this subsection in
37 the same manner the Indiana Bar Foundation deposits and
38 manages the net earnings the Indiana Bar Foundation receives
39 from IOLTA accounts; and
- 40 (2) use the fees the Indiana Bar Foundation receives under this
41 subsection to assist or establish approved pro bono legal services
42 programs.



1 The handling and expenditure of the pro bono legal services fees
 2 received under this section by the Indiana Bar Foundation (or its
 3 successor entity) are subject to audit by the state board of accounts. The
 4 amounts necessary to make the transfers required by this subsection are
 5 appropriated from the state general fund.

6 SECTION 19. IC 33-37-8-5, AS AMENDED BY P.L.187-2011,
 7 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2019]: Sec. 5. (a) A county user fee fund is established in each
 9 county to finance various program services. The county fund is
 10 administered by the county auditor.

11 (b) The county fund consists of the following fees collected by a
 12 clerk under this article and by the probation department for the juvenile
 13 court under IC 31-37-9-9:

- 14 (1) The pretrial diversion program fee.
- 15 (2) The informal adjustment program fee.
- 16 ~~(3) The marijuana eradication program fee.~~
- 17 ~~(4) (3) The alcohol and drug services program fee.~~
- 18 ~~(5) (4) The law enforcement continuing education program fee.~~
- 19 ~~(6) (5) The deferral program fee.~~
- 20 ~~(7) (6) The jury fee.~~
- 21 ~~(8) (7) The problem solving court fee.~~

22 (c) All of the jury fee and two dollars (\$2) of a deferral program fee
 23 collected under IC 33-37-4-2(e) shall be deposited by the county
 24 auditor in the jury pay fund established under IC 33-37-11.

25 SECTION 20. IC 34-24-1-1, AS AMENDED BY P.L.215-2018(ss),
 26 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 1. (a) The following may be seized:

28 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
 29 or are intended for use by the person or persons in possession of
 30 them to transport or in any manner to facilitate the transportation
 31 of the following:

32 (A) A controlled substance for the purpose of committing,
 33 attempting to commit, or conspiring to commit any of the
 34 following:

- 35 (i) Dealing in or manufacturing cocaine or a narcotic drug
 36 (IC 35-48-4-1).
- 37 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- 38 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 39 (iv) Dealing in a schedule I, II, or III controlled substance
 40 (IC 35-48-4-2).
- 41 (v) Dealing in a schedule IV controlled substance
 42 (IC 35-48-4-3).



- 1 (vi) Dealing in a schedule V controlled substance
 2 (IC 35-48-4-4).
 3 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
 4 (viii) Possession of cocaine or a narcotic drug
 5 (IC 35-48-4-6).
 6 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
 7 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
 8 (xi) Dealing in ~~marijuana~~, hash oil, hashish, or salvia
 9 (IC 35-48-4-10).
 10 (xii) Dealing in a synthetic drug or synthetic drug lookalike
 11 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its
 12 amendment in 2013).
 13 (B) Any stolen (IC 35-43-4-2) or converted property
 14 (IC 35-43-4-3) if the retail or repurchase value of that property
 15 is one hundred dollars (\$100) or more.
 16 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
 17 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
 18 mass destruction (as defined in IC 35-31.5-2-354) used to
 19 commit, used in an attempt to commit, or used in a conspiracy
 20 to commit an offense under IC 35-47 as part of or in
 21 furtherance of an act of terrorism (as defined by
 22 IC 35-31.5-2-329).
 23 (2) All money, negotiable instruments, securities, weapons,
 24 communications devices, or any property used to commit, used in
 25 an attempt to commit, or used in a conspiracy to commit an
 26 offense under IC 35-47 as part of or in furtherance of an act of
 27 terrorism or commonly used as consideration for a violation of
 28 IC 35-48-4 (other than items subject to forfeiture under
 29 IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):
 30 (A) furnished or intended to be furnished by any person in
 31 exchange for an act that is in violation of a criminal statute;
 32 (B) used to facilitate any violation of a criminal statute; or
 33 (C) traceable as proceeds of the violation of a criminal statute.
 34 (3) Any portion of real or personal property purchased with
 35 money that is traceable as a proceed of a violation of a criminal
 36 statute.
 37 (4) A vehicle that is used by a person to:
 38 (A) commit, attempt to commit, or conspire to commit;
 39 (B) facilitate the commission of; or
 40 (C) escape from the commission of;
 41 murder (IC 35-42-1-1), dealing in a controlled substance resulting
 42 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal



- 1 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 2 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 3 under IC 35-47 as part of or in furtherance of an act of terrorism.
 4 (5) Real property owned by a person who uses it to commit any of
 5 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
 6 felony:
- 7 (A) Dealing in or manufacturing cocaine or a narcotic drug
 8 (IC 35-48-4-1).
 - 9 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 - 10 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
 - 11 (D) Dealing in a schedule I, II, or III controlled substance
 12 (IC 35-48-4-2).
 - 13 (E) Dealing in a schedule IV controlled substance
 14 (IC 35-48-4-3).
 - 15 (F) Dealing in ~~marijuana~~, hash oil, hashish, or salvia
 16 (IC 35-48-4-10).
 - 17 (G) Dealing in a synthetic drug or synthetic drug lookalike
 18 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its
 19 amendment in 2013).
 - 20 (H) Dealing in a controlled substance resulting in death
 21 (IC 35-42-1-1.5).
- 22 (6) Equipment and recordings used by a person to commit fraud
 23 under IC 35-43-5-4(10).
 - 24 (7) Recordings sold, rented, transported, or possessed by a person
 25 in violation of IC 24-4-10.
 - 26 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 27 defined by IC 35-45-6-1) that is the object of a corrupt business
 28 influence violation (IC 35-45-6-2).
 - 29 (9) Unlawful telecommunications devices (as defined in
 30 IC 35-45-13-6) and plans, instructions, or publications used to
 31 commit an offense under IC 35-45-13.
 - 32 (10) Any equipment, including computer equipment and cellular
 33 telephones, used for or intended for use in preparing,
 34 photographing, recording, videotaping, digitizing, printing,
 35 copying, or disseminating matter in violation of IC 35-42-4.
 - 36 (11) Destructive devices used, possessed, transported, or sold in
 37 violation of IC 35-47.5.
 - 38 (12) Tobacco products that are sold in violation of IC 24-3-5,
 39 tobacco products that a person attempts to sell in violation of
 40 IC 24-3-5, and other personal property owned and used by a
 41 person to facilitate a violation of IC 24-3-5.
 - 42 (13) Property used by a person to commit counterfeiting or



1 forgery in violation of IC 35-43-5-2.

2 (14) After December 31, 2005, if a person is convicted of an
3 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
4 following real or personal property:

5 (A) Property used or intended to be used to commit, facilitate,
6 or promote the commission of the offense.

7 (B) Property constituting, derived from, or traceable to the
8 gross proceeds that the person obtained directly or indirectly
9 as a result of the offense.

10 (15) Except as provided in subsection (e), a vehicle used by a
11 person who operates the vehicle:

12 (A) while intoxicated, in violation of IC 9-30-5-1 through
13 IC 9-30-5-5, if in the previous five (5) years the person has two
14 (2) or more prior unrelated convictions:

15 (i) for operating a motor vehicle while intoxicated in
16 violation of 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; or

19 (B) on a highway while the person's driving privileges are
20 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
21 if in the previous five (5) years the person has two (2) or more
22 prior unrelated convictions:

23 (i) for operating a vehicle while intoxicated in violation of
24 IC 9-30-5-1 through IC 9-30-5-5; or

25 (ii) for an offense that is substantially similar to IC 9-30-5-1
26 through IC 9-30-5-5 in another jurisdiction.

27 If a court orders the seizure of a vehicle under this subdivision,
28 the court shall transmit an order to the bureau of motor vehicles
29 recommending that the bureau not permit a vehicle to be
30 registered in the name of the person whose vehicle was seized
31 until the person possesses a current driving license (as defined in
32 IC 9-13-2-41).

33 (16) The following real or personal property:

34 (A) Property used or intended to be used to commit, facilitate,
35 or promote the commission of an offense specified in
36 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
37 IC 30-2-13-38(f).

38 (B) Property constituting, derived from, or traceable to the
39 gross proceeds that a person obtains directly or indirectly as a
40 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
41 IC 30-2-10-9(b), or IC 30-2-13-38(f).

42 (17) An automated sales suppression device (as defined in



- 1 IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in
 2 IC 35-43-5-4.6(a)(3)).
 3 (18) Real or personal property, including a vehicle, that is used by
 4 a person to:
 5 (A) commit, attempt to commit, or conspire to commit;
 6 (B) facilitate the commission of; or
 7 (C) escape from the commission of;
 8 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human
 9 trafficking) or IC 35-45-4-4 (promoting prostitution).
 10 (b) A vehicle used by any person as a common or contract carrier in
 11 the transaction of business as a common or contract carrier is not
 12 subject to seizure under this section, unless it can be proven by a
 13 preponderance of the evidence that the owner of the vehicle knowingly
 14 permitted the vehicle to be used to engage in conduct that subjects it to
 15 seizure under subsection (a).
 16 (c) Equipment under subsection (a)(10) may not be seized unless it
 17 can be proven by a preponderance of the evidence that the owner of the
 18 equipment knowingly permitted the equipment to be used to engage in
 19 conduct that subjects it to seizure under subsection (a)(10).
 20 (d) Money, negotiable instruments, securities, weapons,
 21 communications devices, or any property commonly used as
 22 consideration for a violation of IC 35-48-4 found near or on a person
 23 who is committing, attempting to commit, or conspiring to commit any
 24 of the following offenses shall be admitted into evidence in an action
 25 under this chapter as prima facie evidence that the money, negotiable
 26 instrument, security, or other thing of value is property that has been
 27 used or was to have been used to facilitate the violation of a criminal
 28 statute or is the proceeds of the violation of a criminal statute:
 29 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
 30 death).
 31 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 32 narcotic drug).
 33 (3) IC 35-48-4-1.1 (dealing in methamphetamine).
 34 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).
 35 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 36 substance).
 37 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
 38 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 39 as a Level 4 felony.
 40 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 41 Level 3, Level 4, or Level 5 felony.
 42 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level



- 1 3, Level 4, or Level 5 felony.
- 2 (10) IC 35-48-4-10 (dealing in ~~marijuana~~, hash oil, hashish, or
- 3 salvia) as a Level 5 felony.
- 4 (11) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic
- 5 drug lookalike substance) as a Level 5 felony or Level 6 felony
- 6 (or as a Class C felony or Class D felony under IC 35-48-4-10
- 7 before its amendment in 2013).
- 8 (e) A vehicle operated by a person who is not:
- 9 (1) an owner of the vehicle; or
- 10 (2) the spouse of the person who owns the vehicle;
- 11 is not subject to seizure under subsection (a)(15) unless it can be
- 12 proven by a preponderance of the evidence that the owner of the
- 13 vehicle knowingly permitted the vehicle to be used to engage in
- 14 conduct that subjects it to seizure under subsection (a)(15).
- 15 SECTION 21. IC 35-45-1-5, AS AMENDED BY P.L.144-2018,
- 16 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2019]: Sec. 5. (a) As used in this section, "common nuisance"
- 18 means a building, structure, vehicle, or other place that is used for (1)
- 19 or more of the following purposes:
- 20 (1) To buy an alcoholic beverage in violation of IC 7.1-5-10-5.
- 21 (2) To unlawfully use, keep, or sell a legend drug.
- 22 (3) To unlawfully:
- 23 (A) use;
- 24 (B) manufacture;
- 25 (C) keep;
- 26 (D) offer for sale;
- 27 (E) sell;
- 28 (F) deliver; or
- 29 (G) finance the delivery of;
- 30 a controlled substance or an item of drug paraphernalia (as
- 31 described in IC 35-48-4-8.5).
- 32 (4) To provide a location for a person to pay, offer to pay, or agree
- 33 to pay money or other property to another person for a human
- 34 trafficking victim or an act performed by a human trafficking
- 35 victim.
- 36 (5) To provide a location for a person to commit a violation of
- 37 IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human trafficking).
- 38 (b) A person who knowingly or intentionally visits a common
- 39 nuisance described in subsections (a)(1) through (a)(4) commits
- 40 visiting a common nuisance. The offense is a:
- 41 (1) Class B misdemeanor if the common nuisance is used for the
- 42 unlawful:



- 1 (A) sale of an alcoholic beverage as set forth in subsection
 2 (a)(1);
 3 (B) use, keeping, or sale of a legend drug as set forth in
 4 subsection (a)(2); or
 5 (C) use, manufacture, keeping, offer for sale, sale, delivery, or
 6 financing the delivery of a controlled substance or item of drug
 7 paraphernalia (as described in IC 35-48-4-8.5), as set forth in
 8 subsection (a)(3);
 9 (2) Class A misdemeanor if:
 10 (A) the common nuisance is used as a location for a person to
 11 pay, offer to pay, or agree to pay for a human trafficking victim
 12 or an act performed by a human trafficking victim as set forth
 13 in subsection (a)(4); or
 14 (B) the person knowingly, intentionally, or recklessly takes a
 15 person less than eighteen (18) years of age or an endangered
 16 adult (as defined in IC 12-10-3-2) into a common nuisance
 17 used to unlawfully:
 18 (i) use;
 19 (ii) manufacture;
 20 (iii) keep;
 21 (iv) offer for sale;
 22 (v) sell;
 23 (vi) deliver; or
 24 (vii) finance the delivery of;
 25 a controlled substance or an item of drug paraphernalia, as set
 26 forth in subsection (a)(3); and
 27 (3) Level 6 felony if the person:
 28 (A) knowingly, intentionally, or recklessly takes a person less
 29 than eighteen (18) years of age or an endangered adult (as
 30 defined in IC 12-10-3-2) into a common nuisance used to
 31 unlawfully:
 32 (i) use;
 33 (ii) manufacture;
 34 (iii) keep;
 35 (iv) offer for sale;
 36 (v) sell;
 37 (vi) deliver; or
 38 (vii) finance the delivery of;
 39 a controlled substance or an item of drug paraphernalia, as set
 40 forth in subsection (a)(3); and
 41 (B) has a prior unrelated conviction for a violation of this
 42 section involving a controlled substance or drug paraphernalia.



1 (c) A person who knowingly or intentionally maintains a common
2 nuisance commits maintaining a common nuisance, a Level 6 felony.

3 (d) It is a defense to a prosecution under subsection (c) that:

4 (1) the offense involves only the unlawful use or keeping of:

5 (A) less than

6 (i) ~~thirty (30) grams of marijuana; or~~

7 (ii) five (5) grams of hash oil, hashish, or salvia; or

8 (B) an item of drug paraphernalia (as described in
9 IC 35-48-4-8.5) that is designed for use with, or intended to be
10 used for ~~marijuana~~, hash oil, hashish, or salvia; and

11 (2) the person does not have a prior unrelated conviction for a
12 violation of subsection (c).

13 SECTION 22. IC 35-45-6-1, AS AMENDED BY P.L.176-2018,
14 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 1. (a) The definitions in this section apply
16 throughout this chapter.

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

21 (c) "Enterprise" means:

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

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

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

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

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

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

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

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

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



- 1 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
- 2 felony after June 30, 2014 (IC 35-42-2-1).
- 3 (7) Kidnapping (IC 35-42-3-2).
- 4 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 5 (9) Child exploitation (IC 35-42-4-4).
- 6 (10) Robbery (IC 35-42-5-1).
- 7 (11) Carjacking (IC 35-42-5-2) (before its repeal).
- 8 (12) Arson (IC 35-43-1-1).
- 9 (13) Burglary (IC 35-43-2-1).
- 10 (14) Theft (IC 35-43-4-2).
- 11 (15) Receiving stolen property (IC 35-43-4-2) (before its
- 12 amendment on July 1, 2018).
- 13 (16) Forgery (IC 35-43-5-2).
- 14 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 15 (18) Bribery (IC 35-44.1-1-2).
- 16 (19) Official misconduct (IC 35-44.1-1-1).
- 17 (20) Conflict of interest (IC 35-44.1-1-4).
- 18 (21) Perjury (IC 35-44.1-2-1).
- 19 (22) Obstruction of justice (IC 35-44.1-2-2).
- 20 (23) Intimidation (IC 35-45-2-1).
- 21 (24) Promoting prostitution (IC 35-45-4-4).
- 22 (25) Professional gambling (IC 35-45-5-3).
- 23 (26) Maintaining a professional gambling site
- 24 (IC 35-45-5-3.5(b)).
- 25 (27) Promoting professional gambling (IC 35-45-5-4).
- 26 (28) Dealing in or manufacturing cocaine or a narcotic drug
- 27 (IC 35-48-4-1).
- 28 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
- 29 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 30 (31) Dealing in a schedule I, II, or III controlled substance
- 31 (IC 35-48-4-2).
- 32 (32) Dealing in a schedule IV controlled substance
- 33 (IC 35-48-4-3).
- 34 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 35 (34) Dealing in ~~marijuana~~, hash oil, hashish, or salvia
- 36 (IC 35-48-4-10).
- 37 (35) Money laundering (IC 35-45-15-5).
- 38 (36) A violation of IC 35-47.5-5.
- 39 (37) A violation of any of the following:
- 40 (A) IC 23-14-48-9.
- 41 (B) IC 30-2-9-7(b).
- 42 (C) IC 30-2-10-9(b).



- 1 (D) IC 30-2-13-38(f).
 2 (38) Practice of law by a person who is not an attorney
 3 (IC 33-43-2-1).
 4 (39) Dealing in a synthetic drug or synthetic drug lookalike
 5 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its
 6 amendment in 2013).
 7 (40) Dealing in a controlled substance resulting in death
 8 (IC 35-42-1-1.5).

9 SECTION 23. IC 35-48-1-16.5, AS AMENDED BY P.L.168-2014,
 10 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2019]: Sec. 16.5. "Enhancing circumstance" means one (1) or
 12 more of the following:

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

34 SECTION 24. IC 35-48-1-18, AS AMENDED BY P.L.158-2013,
 35 SECTION 620, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2019]: Sec. 18. "Manufacture" means the
 37 following:

- 38 (1) For offenses not involving ~~marijuana~~, hashish or hash oil:
 39 (A) the production, preparation, propagation, compounding,
 40 conversion, or processing of a controlled substance, either
 41 directly or indirectly by extraction from substances of natural
 42 origin, independently by means of chemical synthesis, or by a



1 combination of extraction and chemical synthesis, and
 2 includes any packaging or repackaging of the substance or
 3 labeling or relabeling of its container. It does not include the
 4 preparation, compounding, packaging, or labeling of a
 5 controlled substance:

6 (i) by a practitioner as an incident to administering or
 7 dispensing of a controlled substance in the course of a
 8 professional practice; or

9 (ii) by a practitioner, or by the practitioner's authorized agent
 10 under the practitioner's supervision, for the purpose of, or as
 11 an incident to, research, teaching, or chemical analysis and
 12 not for sale; or

13 (B) the organizing or supervising of an activity described in
 14 clause (A).

15 (2) For offenses involving ~~marijuana~~, hashish or hash oil:

16 (A) the preparation, compounding, conversion, or processing
 17 of ~~marijuana~~, hashish or hash oil, either directly or indirectly
 18 by extraction from substances of natural origin, independently
 19 by means of chemical synthesis, or by a combination of
 20 extraction and chemical synthesis, and includes any packaging
 21 or repackaging of the ~~marijuana~~, hashish or hash oil, or
 22 labeling or relabeling of its container. It does not include
 23 planting, growing, cultivating, or harvesting a plant, or the
 24 preparation, compounding, packaging, or labeling of
 25 ~~marijuana~~, hashish or hash oil:

26 (i) by a practitioner as an incident to lawfully administering
 27 or dispensing of ~~marijuana~~, hashish or hash oil in the course
 28 of a professional practice; or

29 (ii) by a practitioner, or by the practitioner's authorized agent
 30 under the practitioner's supervision, for the purpose of, or as
 31 an incident to, research, teaching, or chemical analysis and
 32 not for sale; or

33 (B) the organizing or supervising of an activity described in
 34 clause (A).

35 SECTION 25. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,
 36 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2019]: Sec. 8.5. (a) A person who keeps for sale, offers for
 38 sale, delivers, or finances the delivery of a raw material, an instrument,
 39 a device, or other object that is intended to be or that is designed or
 40 marketed to be used primarily for:

41 (1) ingesting, inhaling, or otherwise introducing into the human
 42 body ~~marijuana~~, hash oil, hashish, salvia, a synthetic drug, or a



- 1 controlled substance;
 2 (2) testing the strength, effectiveness, or purity of ~~marijuana~~, hash
 3 oil, hashish, salvia, a synthetic drug, or a controlled substance;
 4 (3) enhancing the effect of a controlled substance;
 5 (4) manufacturing, compounding, converting, producing,
 6 processing, or preparing ~~marijuana~~, hash oil, hashish, salvia, a
 7 synthetic drug, or a controlled substance;
 8 (5) diluting or adulterating ~~marijuana~~, hash oil, hashish, salvia, a
 9 synthetic drug, or a controlled substance by individuals; or
 10 (6) any purpose announced or described by the seller that is in
 11 violation of this chapter;

12 commits a Class A infraction for dealing in paraphernalia.

13 (b) A person who knowingly or intentionally violates subsection (a)
 14 commits a Class A misdemeanor. However, the offense is a Level 6
 15 felony if the person has a prior unrelated judgment or conviction under
 16 this section.

17 (c) This section does not apply to the following:

- 18 (1) Items marketed for use in the preparation, compounding,
 19 packaging, labeling, or other use of ~~marijuana~~, hash oil, hashish,
 20 salvia, a synthetic drug, or a controlled substance as an incident
 21 to lawful research, teaching, or chemical analysis and not for sale.
 22 (2) Items marketed for or historically and customarily used in
 23 connection with the planting, propagating, cultivating, growing,
 24 harvesting, manufacturing, compounding, converting, producing,
 25 processing, preparing, testing, analyzing, packaging, repackaging,
 26 storing, containing, concealing, injecting, ingesting, or inhaling
 27 of tobacco or any other lawful substance.
 28 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides
 29 a syringe or needle as part of a program under IC 16-41-7.5.
 30 (4) Any entity or person that provides funding to a qualified entity
 31 (as defined in IC 16-41-7.5-3) to operate a program described in
 32 IC 16-41-7.5.

33 SECTION 26. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,
 34 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2019]: Sec. 10. (a) A person who:

- 36 (1) knowingly or intentionally:
 37 (A) manufactures;
 38 (B) finances the manufacture of;
 39 (C) delivers; or
 40 (D) finances the delivery of;
 41 ~~marijuana~~, hash oil, hashish, or salvia, pure or adulterated; or
 42 (2) possesses, with intent to:



- 1 (A) manufacture;
 2 (B) finance the manufacture of;
 3 (C) deliver; or
 4 (D) finance the delivery of;
 5 ~~marijuana~~, hash oil, hashish, or salvia, pure or adulterated;
 6 commits dealing in ~~marijuana~~, hash oil, hashish, or salvia, a Class A
 7 misdemeanor, except as provided in subsections (b) through (d).
 8 (b) A person may be convicted of an offense under subsection (a)(2)
 9 only if:
 10 (1) there is evidence in addition to the weight of the drug that the
 11 person intended to manufacture, finance the manufacture of,
 12 deliver, or finance the delivery of the drug; or
 13 (2) the amount of the drug involved is at least
 14 ~~(A) ten (10) pounds; if the drug is marijuana; or~~
 15 ~~(B) three hundred (300) grams. if the drug is hash oil, hashish,~~
 16 ~~or salvia.~~
 17 (c) The offense is a Level 6 felony if:
 18 (1) the person has a prior conviction for a drug offense and the
 19 amount of the drug involved is
 20 ~~(A) less than thirty (30) grams of marijuana; or~~
 21 ~~(B) less than five (5) grams; of hash oil, hashish, or salvia; or~~
 22 (2) the amount of the drug involved is
 23 ~~(A) at least thirty (30) grams but less than ten (10) pounds of~~
 24 ~~marijuana; or~~
 25 ~~(B) at least five (5) grams but less than three hundred (300)~~
 26 ~~grams. of hash oil, hashish, or salvia.~~
 27 (d) The offense is a Level 5 felony if:
 28 (1) the person has a prior conviction for a drug dealing offense
 29 and the amount of the drug involved is
 30 ~~(A) at least thirty (30) grams but less than ten (10) pounds of~~
 31 ~~marijuana; or~~
 32 ~~(B) at least five (5) grams but less than three hundred (300)~~
 33 ~~grams; of hash oil, hashish, or salvia;~~
 34 (2) the:
 35 (A) amount of the drug involved is
 36 ~~(i) at least ten (10) pounds of marijuana; or~~
 37 ~~(ii) at least three hundred (300) grams; of hash oil, hashish,~~
 38 ~~or salvia; or~~
 39 (B) offense involved a sale to a minor; or
 40 (3) the:
 41 (A) person is a retailer;
 42 (B) ~~marijuana, hash oil, hashish, or salvia drug~~ is packaged in



1 a manner that appears to be low THC hemp extract; and
 2 (C) person knew or reasonably should have known that the
 3 product was ~~marijuana~~, hash oil, hashish, or salvia.
 4 SECTION 27. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
 5 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 11. (a) A person who
 7 ~~(1)~~ knowingly or intentionally possesses (pure or adulterated)
 8 ~~marijuana~~, hash oil, hashish, or salvia
 9 ~~(2) knowingly or intentionally grows or cultivates marijuana; or~~
 10 ~~(3) knowing that marijuana is growing on the person's premises;~~
 11 ~~fails to destroy the marijuana plants;~~
 12 commits possession of ~~marijuana~~, hash oil, hashish, or salvia, a Class
 13 B misdemeanor, except as provided in subsections (b) through (c).
 14 (b) The offense described in subsection (a) is a Class A
 15 misdemeanor if:
 16 (1) the person has a prior conviction for a drug offense; or
 17 (2) the:
 18 (A) ~~marijuana~~, hash oil, hashish, or salvia is packaged in a
 19 manner that appears to be low THC hemp extract; and
 20 (B) person knew or reasonably should have known that the
 21 product was ~~marijuana~~, hash oil, hashish, or salvia.
 22 (c) The offense described in subsection (a) is a Level 6 felony if:
 23 (1) the person has a prior conviction for a drug offense; and
 24 (2) the person possesses
 25 ~~(A) at least thirty (30) grams of marijuana; or~~
 26 ~~(B) at least five (5) grams of hash oil, hashish, or salvia.~~
 27 SECTION 28. IC 35-48-4-12, AS AMENDED BY P.L.168-2014,
 28 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2019]: Sec. 12. If a person who has no prior
 30 conviction of an offense under this article or under a law of another
 31 jurisdiction relating to controlled substances pleads guilty to possession
 32 of ~~marijuana~~, hashish, salvia, or a synthetic drug or a synthetic drug
 33 lookalike substance as a misdemeanor, the court, without entering a
 34 judgment of conviction and with the consent of the person, may defer
 35 further proceedings and place the person in the custody of the court
 36 under conditions determined by the court. Upon violation of a
 37 condition of the custody, the court may enter a judgment of conviction.
 38 However, if the person fulfills the conditions of the custody, the court
 39 shall dismiss the charges against the person. There may be only one (1)
 40 dismissal under this section with respect to a person.
 41 SECTION 29. IC 35-50-5-3, AS AMENDED BY P.L.111-2018,
 42 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (i), (j), **or**
 2 (l), ~~or (m)~~; in addition to any sentence imposed under this article for a
 3 felony or misdemeanor, the court may, as a condition of probation or
 4 without placing the person on probation, order the person to make
 5 restitution to the victim of the crime, the victim's estate, or the family
 6 of a victim who is deceased. The court shall base its restitution order
 7 upon a consideration of:

8 (1) property damages of the victim incurred as a result of the
 9 crime, based on the actual cost of repair (or replacement if repair
 10 is inappropriate);

11 (2) medical and hospital costs incurred by the victim (before the
 12 date of sentencing) as a result of the crime;

13 (3) the cost of medical laboratory tests to determine if the crime
 14 has caused the victim to contract a disease or other medical
 15 condition;

16 (4) earnings lost by the victim (before the date of sentencing) as
 17 a result of the crime including earnings lost while the victim was
 18 hospitalized or participating in the investigation or trial of the
 19 crime; and

20 (5) funeral, burial, or cremation costs incurred by the family or
 21 estate of a homicide victim as a result of the crime.

22 (b) A restitution order under subsection (a), (i), (j), **or (l) or (m)** is
 23 a judgment lien that:

24 (1) attaches to the property of the person subject to the order;

25 (2) may be perfected;

26 (3) may be enforced to satisfy any payment that is delinquent
 27 under the restitution order by the person in whose favor the order
 28 is issued or the person's assignee; and

29 (4) expires;

30 in the same manner as a judgment lien created in a civil proceeding.

31 (c) When a restitution order is issued under subsection (a), the
 32 issuing court may order the person to pay the restitution, or part of the
 33 restitution, directly to:

34 (1) the victim services division of the Indiana criminal justice
 35 institute in an amount not exceeding:

36 (A) the amount of the award, if any, paid to the victim under
 37 IC 5-2-6.1; and

38 (B) the cost of the reimbursements, if any, for emergency
 39 services provided to the victim under IC 16-10-1.5 (before its
 40 repeal) or IC 16-21-8; or

41 (2) a probation department that shall forward restitution or part of
 42 restitution to:



- 1 (A) a victim of a crime;
 2 (B) a victim's estate; or
 3 (C) the family of a victim who is deceased.
- 4 The victim services division of the Indiana criminal justice institute
 5 shall deposit the restitution it receives under this subsection in the
 6 violent crime victims compensation fund established by IC 5-2-6.1-40.
- 7 (d) When a restitution order is issued under subsection (a), (i), (j),
 8 **or (l) or (m)**, the issuing court shall send a certified copy of the order
 9 to the clerk of the circuit court in the county where the felony or
 10 misdemeanor charge was filed. The restitution order must include the
 11 following information:
- 12 (1) The name and address of the person that is to receive the
 13 restitution.
 14 (2) The amount of restitution the person is to receive.
- 15 Upon receiving the order, the clerk shall enter and index the order in
 16 the circuit court judgment docket in the manner prescribed by
 17 IC 33-32-3-2. The clerk shall also notify the department of insurance
 18 of an order of restitution under subsection (i).
- 19 (e) An order of restitution under subsection (a), (i), (j), **or (l) or (m)**
 20 does not bar a civil action for:
- 21 (1) damages that the court did not require the person to pay to the
 22 victim under the restitution order but arise from an injury or
 23 property damage that is the basis of restitution ordered by the
 24 court; and
 25 (2) other damages suffered by the victim.
- 26 (f) Regardless of whether restitution is required under subsection (a)
 27 as a condition of probation or other sentence, the restitution order is not
 28 discharged by the completion of any probationary period or other
 29 sentence imposed for a felony or misdemeanor.
- 30 (g) A restitution order under subsection (a), (i), (j), **or (l) or (m)** is
 31 not discharged by the liquidation of a person's estate by a receiver
 32 under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,
 33 IC 34-1-12, or IC 34-2-7 before their repeal).
- 34 (h) The attorney general may pursue restitution ordered by the court
 35 under subsections (a) and (c) on behalf of the victim services division
 36 of the Indiana criminal justice institute established under IC 5-2-6-8.
- 37 (i) The court may order the person convicted of an offense under
 38 IC 35-43-9 to make restitution to the victim of the crime. The court
 39 shall base its restitution order upon a consideration of the amount of
 40 money that the convicted person converted, misappropriated, or
 41 received, or for which the convicted person conspired. The restitution
 42 order issued for a violation of IC 35-43-9 must comply with



1 subsections (b), (d), (e), and (g), and is not discharged by the
 2 completion of any probationary period or other sentence imposed for
 3 a violation of IC 35-43-9.

4 (j) The court may order the person convicted of an offense under
 5 IC 35-43-5-3.5 to make restitution to the victim of the crime, the
 6 victim's estate, or the family of a victim who is deceased. The court
 7 shall base its restitution order upon a consideration of the amount of
 8 fraud or harm caused by the convicted person and any reasonable
 9 expenses (including lost wages) incurred by the victim in correcting the
 10 victim's credit report and addressing any other issues caused by the
 11 commission of the offense under IC 35-43-5-3.5. If, after a person is
 12 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's
 13 estate, or the family of a victim discovers or incurs additional expenses
 14 that result from the convicted person's commission of the offense under
 15 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders
 16 to require the convicted person to make restitution, even if the court
 17 issued a restitution order at the time of sentencing. For purposes of
 18 entering a restitution order after sentencing, a court has continuing
 19 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5
 20 for five (5) years after the date of sentencing. Each restitution order
 21 issued for a violation of IC 35-43-5-3.5 must comply with subsections
 22 (b), (d), (e), and (g), and is not discharged by the completion of any
 23 probationary period or other sentence imposed for an offense under
 24 IC 35-43-5-3.5.

25 (k) The court shall order a person convicted of an offense under
 26 IC 35-42-3.5 to make restitution to the victim of the crime in an amount
 27 equal to the greater of the following:

28 (1) The gross income or value to the person of the victim's labor
 29 or services.

30 (2) The value of the victim's labor as guaranteed under the
 31 minimum wage and overtime provisions of:

32 (A) the federal Fair Labor Standards Act of 1938, as amended

33 (29 U.S.C. 201-209); or

34 (B) IC 22-2-2 (Minimum Wage);

35 whichever is greater.

36 (l) The court shall order a person who:

37 (1) is convicted of dealing in methamphetamine under
 38 IC 35-48-4-1.1 or manufacturing methamphetamine under

39 IC 35-48-4-1.2; and

40 (2) manufactured the methamphetamine on property owned by
 41 another person, without the consent of the property owner;

42 to pay liquidated damages to the property owner in the amount of ten



1 thousand dollars (\$10,000) or to pay actual damages to the property
 2 owner, including lost rent and the costs of decontamination by a
 3 qualified inspector certified under IC 16-19-3.1.

4 ~~(m)~~ The court shall order a person who:

5 (1) is convicted of dealing in marijuana under
 6 IC 35-48-4-10(a)(1)(A); and

7 (2) manufactured the marijuana on property owned by another
 8 person, without the consent of the property owner;

9 to pay liquidated damages to the property owner in the amount of two
 10 thousand dollars (\$2,000):

11 SECTION 30. IC 35-50-10-1, AS AMENDED BY P.L.185-2017,
 12 SECTION 9, AND AS AMENDED BY P.L.252-2017, SECTION 29,
 13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) *As used in this section,*
 15 *"offense requiring license revocation" means an offense listed in*
 16 *IC 20-28-5-8(c).*

17 ~~(a)~~ (b) If an individual is or was a teacher in a *primary or secondary*
 18 *school, school corporation, charter school, or nonpublic school*
 19 *including a public or nonpublic school*, and is convicted of

20 (1) *kidnapping (IC 35-42-3-2);*

21 (2) *criminal confinement (IC 35-42-3-3);*

22 (3) *rape (IC 35-42-4-1);*

23 (4) *criminal deviate conduct (IC 35-42-4-2) (before its repeal);*

24 (5) *child molesting (IC 35-42-4-3);*

25 (6) *child exploitation (IC 35-42-4-4(b));*

26 (7) *vicarious sexual gratification (IC 35-42-4-5);*

27 (8) *child solicitation (IC 35-42-4-6);*

28 (9) *child seduction (IC 35-42-4-7);*

29 (10) *sexual misconduct with a minor (IC 35-42-4-9);*

30 (11) *incest (IC 35-46-1-3);*

31 (12) *dealing in or manufacturing cocaine or a narcotic drug*
 32 *(IC 35-48-4-1);*

33 (13) *dealing in methamphetamine (IC 35-48-4-1.1);*

34 (14) *manufacturing methamphetamine (IC 35-48-4-1.2);*

35 (15) *dealing in a schedule I, II, or III controlled substance*
 36 *(IC 35-48-4-2);*

37 (16) *dealing in a schedule IV controlled substance*
 38 *(IC 35-48-4-3);*

39 (17) *dealing in a schedule V controlled substance (IC 35-48-4-4);*

40 (18) *dealing in a counterfeit substance (IC 35-48-4-5);*

41 (19) *dealing in marijuana, hash oil, hashish, or salvia as a felony*
 42 *(IC 35-48-4-10);*



1 (20) *dealing in a synthetic drug or synthetic drug lookalike*
 2 *substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its*
 3 *amendment in 2013);*

4 (21) *possession of child pornography (IC 35-42-4-4(c));*

5 (22) *homicide (IC 35-42-1);*

6 (23) *voluntary manslaughter (IC 35-42-1-3);*

7 (24) *reckless homicide (IC 35-42-1-5);*

8 (25) *battery (IC 35-42-2-1) as:*

9 (A) *a Class A felony (for a crime committed before July 1,*
 10 *2014) or a Level 2 felony (for a crime committed after June*
 11 *30, 2014);*

12 (B) *a Class B felony (for a crime committed before July 1,*
 13 *2014) or a Level 3 felony (for a crime committed after June*
 14 *30, 2014); or*

15 (C) *a Class C felony (for a crime committed before July 1,*
 16 *2014) or a Level 5 felony (for a crime committed after June*
 17 *30, 2014);*

18 (26) *aggravated battery (IC 35-42-2-1.5);*

19 (27) *robbery (IC 35-42-5-1);*

20 (28) *carjacking (IC 35-42-5-2) (before its repeal);*

21 (29) *arson as a Class A felony or Class B felony (for a crime*
 22 *committed before July 1, 2014) or as a Level 2, Level 3, or Level*
 23 *4 felony (for a crime committed after June 30, 2014)*
 24 *(IC 35-43-1-1(a));*

25 (30) *burglary as a Class A felony or Class B felony (for a crime*
 26 *committed before July 1, 2014) or as a Level 1, Level 2, Level 3,*
 27 *or Level 4 felony (for a crime committed after June 30, 2014)*
 28 *(IC 35-43-2-1);*

29 (31) *attempt under IC 35-41-5-1 to commit an offense listed in*
 30 *this subsection; or*

31 (32) *conspiracy under IC 35-41-5-2 to commit an offense listed*
 32 *in this subsection;*

33 *an offense requiring license revocation, the judge who presided over*
 34 *the trial or accepted a plea agreement shall give written notice of the*
 35 *conviction to the state superintendent of public instruction and the*
 36 *chief administrative officer of the primary or secondary school,*
 37 *including a public school corporation, charter school, or nonpublic*
 38 *school, or, if the individual is employed in a public school, the*
 39 *superintendent of the school district in which the individual is*
 40 *employed.*

41 (33) *(c) Notice under subsection (a) (b) must occur not later than*
 42 *seven (7) days after the date the judgment is entered.*



1 ~~(c)~~ (d) The notification sent to a school or school district under
2 subsection ~~(a)~~ (b) must include only the felony for which the individual
3 was convicted.

4 ~~(d)~~ (e) If a judge later modifies the individual's sentence after giving
5 notice under this section, the judge shall notify the school or the school
6 district of the modification.

7 ~~(e)~~ (f) After receiving a notification under subsection ~~(a)~~; (b), the
8 state superintendent of public instruction shall initiate procedures to
9 revoke the individual's license to teach.

