

HOUSE BILL No. 1068

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-15-3; IC 16-19-3.1-3; IC 32-31-1-21.5; IC 36-2-11-28.

Synopsis: Methamphetamine manufacturing in residences. Requires county recorders to record: (1) notice of a property used in the manufacture of methamphetamine; and (2) documentation of demolition or remediation of a property used in the manufacture of methamphetamine. Makes conforming amendments.

Effective: July 1, 2023.

Errington

January 9, 2023, read first time and referred to Committee on Judiciary.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1068

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-15-3, AS AMENDED BY P.L.30-2019,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 3. (a) As used in this section, "property" refers to
4 a:
5 (1) dwelling (as defined in IC 13-11-2-61.3);
6 (2) building;
7 (3) motor vehicle (as defined in IC 9-13-2-105(a));
8 (4) trailer (as defined in IC 9-13-2-184(b)); or
9 (5) watercraft (as defined by IC 9-13-2-198.5).
10 (b) A law enforcement agency that terminates the use of a property
11 in the illegal manufacture of a controlled substance (as defined in
12 IC 35-48-1-9) shall report the existence and location of the property to:
13 (1) the state police department;
14 (2) the local fire department that serves the area in which the
15 property is located; ~~and~~
16 (3) the local health department in whose jurisdiction the property
17 is located; **and**



1 **(4) if the controlled substance is methamphetamine, the**
 2 **county recorder of the county in which the property is**
 3 **located;**

4 on a form and in the manner prescribed by guidelines adopted by the
 5 superintendent of the state police department under IC 10-11-2-31.

6 SECTION 2. IC 16-19-3.1-3, AS ADDED BY P.L.111-2018,
 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2023]: Sec. 3. (a) Upon proper remediation of a site that has
 9 been contaminated by the illegal manufacture of a controlled substance,
 10 a qualified inspector shall issue a certification of decontamination to
 11 the property owner.

12 (b) The property owner of a site that has been contaminated by the
 13 illegal manufacture of a controlled substance shall, after demolition or
 14 remediation of the site, submit to: ~~the:~~

15 **(1) the state department; and**

16 **(2) the local health department; and**

17 **(3) if the controlled substance is methamphetamine, the**
 18 **county recorder of the county in which the property is**
 19 **located;**

20 documentation that the site has been demolished or remediated in
 21 accordance with remediation standards and rules adopted under section
 22 4 of this chapter.

23 SECTION 3. IC 32-31-1-21.5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2023]: Sec. 21.5. (a) As used in this section,
 26 "dwelling unit" has the meaning set forth in IC 32-31-5-3.

27 **(b) A landlord who has actual knowledge that a dwelling unit:**

28 **(1) was previously used in the illegal manufacture of**
 29 **methamphetamine; and**

30 **(2) has not been remediated in accordance with**
 31 **IC 16-19-3.1-3;**

32 shall, before execution of a written rental agreement and
 33 occupancy by a prospective tenant, provide to the prospective
 34 tenant written disclosure of the facts specified in subdivisions (1)
 35 and (2).

36 **(c) A tenant who does not receive a disclosure required by**
 37 **subsection (b) may terminate the rental agreement not more than**
 38 **sixty (60) days after the date on which the tenant has actual**
 39 **knowledge that the dwelling unit:**

40 **(1) was previously used in the illegal manufacture of**
 41 **methamphetamine; and**

42 **(2) has not been remediated in accordance with**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

IC 16-19-3.1-3;
by providing written notice of termination to the landlord.
(d) A termination under subsection (c) is effective on the later
of:
(1) fifteen (15) days after the date on which the written notice
was provided under subsection (c); or
(2) the date through which rent has been paid.
(e) A tenant who terminates a rental agreement under
subsection (c) is entitled to deposits, returns, and other refunds as
if the tenancy had expired under the terms of the rental agreement.
 SECTION 4. IC 36-2-11-28 IS ADDED TO THE INDIANA CODE
 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 1, 2023]: **Sec. 28. (a) As used in this section, "methamphetamine**
property" means a property used in the illegal manufacture of
methamphetamine.
(b) Upon receiving the notice of a methamphetamine property
under IC 5-2-15-3, the county recorder shall record the notice in a
manner such that the property status as a methamphetamine
property is disclosed in the ordinary course of a title search.
(c) Upon receiving documentation from a property owner under
IC 16-19-3.1-3, the county recorder shall record the documentation
in a manner such that the demolition or remediation is disclosed in
the ordinary course of a title search.

