



March 29, 2019

---

---

**ENGROSSED  
SENATE BILL No. 110**

---

DIGEST OF SB 110 (Updated March 27, 2019 2:02 pm - DI 131)

**Citations Affected:** IC 35-31.5; IC 35-48.

**Synopsis:** Drug dealing. Adds an item to the existing list of enhancing circumstances for offenses relating to controlled substances. Provides that an enhancing circumstance means that the person committed the offense in, on, or within 100 feet of a drug treatment facility if the person knew or reasonably should have known that a drug abuser was reasonably expected to be present at the facility for treatment, care, or rehabilitation.

**Effective:** July 1, 2019.

---

---

**Koch, Young M, Freeman, Glick,  
Sandlin, Busch, Kruse, Becker**

(HOUSE SPONSOR — MCNAMARA)

---

---

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

February 21, 2019, amended, reported favorably — Do Pass.

February 25, 2019, read second time, ordered engrossed. Engrossed.

February 26, 2019, read third time, passed. Yeas 44, nays 5.

HOUSE ACTION

March 4, 2019, read first time and referred to Committee on Courts and Criminal Code.

March 28, 2019, amended, reported — Do Pass.

---

---

ES 110—LS 6010/DI 131





March 29, 2019

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## ENGROSSED SENATE BILL No. 110

---

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 35-31.5-2-127.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2019]: **Sec. 127.5. "Facility", for purposes of**  
4 **IC 35-48-1-16.5, has the meaning set forth in IC 35-48-1-16.5.**  
5 SECTION 2. IC 35-48-1-16.5, AS AMENDED BY P.L.168-2014,  
6 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2019]: Sec. 16.5. "Enhancing circumstance" means one (1) or  
8 more of the following:  
9 (1) The person has a prior conviction, in any jurisdiction, for  
10 dealing in a controlled substance that is not marijuana, hashish,  
11 hash oil, salvia divinorum, or a synthetic drug, including an  
12 attempt or conspiracy to commit the offense.  
13 (2) The person committed the offense while in possession of a  
14 firearm.  
15 (3) The person committed the offense:  
16 (A) on a school bus; or  
17 (B) in, on, or within five hundred (500) feet of:

ES 110—LS 6010/DI 131



- 1 (i) school property while a person under eighteen (18) years  
2 of age was reasonably expected to be present; or  
3 (ii) a public park while a person under eighteen (18) years  
4 of age was reasonably expected to be present.
- 5 (4) The person delivered or financed the delivery of the drug to a  
6 person under eighteen (18) years of age at least three (3) years  
7 junior to the person.
- 8 (5) The person manufactured or financed the manufacture of the  
9 drug.
- 10 (6) The person committed the offense in the physical presence of  
11 a child less than eighteen (18) years of age, knowing that the child  
12 was present and might be able to see or hear the offense.
- 13 **(7) The person committed the offense in, on, or within one**  
14 **hundred (100) feet of a facility if the person knew or**  
15 **reasonably should have known that a drug abuser (as defined**  
16 **in IC 12-7-2-73) was reasonably expected to be present at the**  
17 **facility for treatment, care, or rehabilitation. For purposes of**  
18 **this subdivision, "facility" means a place that is:**
- 19 (A) created and funded under IC 12-23-14 or IC 33-23-16;  
20 (B) certified under IC 12-23-1-6; or  
21 (C) used for the purpose of conducting a recovery or  
22 support group meeting;  
23 and at which a drug abuser (as defined in IC 12-7-2-73) may  
24 be provided with treatment, care, or rehabilitation.



## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 110, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 13, delete "five" and insert "**one**".

Page 2, line 14, delete "(500)" and insert "**(100)**".

Page 2, line 17, delete "present." and insert "**present at the facility.**".

and when so amended that said bill do pass.

(Reference is to SB 110 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 7, Nays 0.

---

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 110, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "IC 35-48-1-16.6." and insert "**IC 35-48-1-16.5.**"

Page 2, delete lines 13 through 27, begin a new line block indented and insert:

**"(7) The person committed the offense in, on, or within one hundred (100) feet of a facility if the person knew or reasonably should have known that a drug abuser (as defined in IC 12-7-2-73) was reasonably expected to be present at the facility for treatment, care, or rehabilitation. For purposes of this subdivision, "facility" means a place that is:**

**(A) created and funded under IC 12-23-14 or IC 33-23-16;**

**(B) certified under IC 12-23-1-6; or**

**(C) used for the purpose of conducting a recovery or support group meeting;**



**and at which a drug abuser (as defined in IC 12-7-2-73) may be provided with treatment, care, or rehabilitation."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 110 as printed February 22, 2019.)

MCNAMARA

Committee Vote: yeas 11, nays 0.

