

SENATE BILL No. 146

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-12-3.7-6; IC 31-37-4-3; IC 35-38-1-7.1; IC 35-44.1-3-5; IC 35-47-4-5.

Synopsis: Aiding in the escape of an inmate. Adds cellular telephone components to the existing list of prohibited items for which trafficking with an inmate is a Level 5 felony. Creates the crime of aiding in the escape of an inmate. Adds carrying a deadly weapon into a correctional facility and aiding in the escape of an inmate to: (1) the list of offenses that make the offender ineligible for a forensic diversion program; (2) the list of offenses for which a juvenile's arrest or custodial detention by a law enforcement agency must be reported by the law enforcement agency to the juvenile's school; (3) the offenses that may be considered as an aggravating factor in sentencing under certain circumstances; and (4) the list of offenses that make the offender a serious violent felon for purposes of the statute regarding possession of a firearm by a serious violent felon. Makes conforming amendments.

Effective: July 1, 2018.

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January 3, 2018, read first time and referred to Committee on Corrections and Criminal Law.



Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 146

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

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

- 1 SECTION 1. IC 11-12-3.7-6, AS AMENDED BY P.L.65-2016,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 6. As used in this chapter, "violent offense" means
4 one (1) or more of the following offenses:
5 (1) Murder (IC 35-42-1-1).
6 (2) Attempted murder (IC 35-41-5-1).
7 (3) Voluntary manslaughter (IC 35-42-1-3).
8 (4) Involuntary manslaughter (IC 35-42-1-4).
9 (5) Reckless homicide (IC 35-42-1-5).
10 (6) Aggravated battery (IC 35-42-2-1.5).
11 (7) Battery (IC 35-42-2-1) as a:
12 (A) Class A felony, Class B felony, or Class C felony (for a
13 crime committed before July 1, 2014); or
14 (B) Level 2 felony, Level 3 felony, or Level 5 felony (for a
15 crime committed after June 30, 2014).
16 (8) Kidnapping (IC 35-42-3-2).
17 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that



- 1 is a:
- 2 (A) Class A felony, Class B felony, or Class C felony (for a
- 3 crime committed before July 1, 2014); or
- 4 (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4
- 5 felony, or Level 5 felony (for a crime committed after June 30,
- 6 2014).
- 7 (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:
- 8 (A) Class A felony or Class B felony (for a crime committed
- 9 before July 1, 2014); or
- 10 (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a
- 11 crime committed after June 30, 2014).
- 12 (11) Incest (IC 35-46-1-3).
- 13 (12) Robbery (IC 35-42-5-1) as a:
- 14 (A) Class A felony or a Class B felony (for a crime committed
- 15 before July 1, 2014); or
- 16 (B) Level 2 felony or Level 3 felony (for a crime committed
- 17 after June 30, 2014).
- 18 (13) Burglary (IC 35-43-2-1) as a:
- 19 (A) Class A felony or a Class B felony (for a crime committed
- 20 before July 1, 2014); or
- 21 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
- 22 felony (for a crime committed after June 30, 2014).
- 23 (14) Carjacking (IC 35-42-5-2) (repealed).
- 24 (15) Assisting a criminal (IC 35-44.1-2-5) as a:
- 25 (A) Class C felony (for a crime committed before July 1,
- 26 2014); or
- 27 (B) Level 5 felony (for a crime committed after June 30,
- 28 2014).
- 29 (16) Escape (IC 35-44.1-3-4) as a:
- 30 (A) Class B felony or Class C felony (for a crime committed
- 31 before July 1, 2014); or
- 32 (B) Level 4 felony or Level 5 felony (for a crime committed
- 33 after June 30, 2014).
- 34 (17) Trafficking with an inmate (~~IC 35-44.1-3-5~~)
- 35 **(IC 35-44.1-3-5(b))** as a:
- 36 (A) Class C felony (for a crime committed before July 1,
- 37 2014); or
- 38 (B) Level 5 felony (for a crime committed after June 30,
- 39 2014).
- 40 **(18) Carrying a deadly weapon into a correctional facility**
- 41 **(IC 35-44.1-3-5(d)).**
- 42 **(19) Aiding in the escape of an inmate (IC 35-44.1-3-5(e)).**



- 1 ~~(18)~~ **(20)** Causing death when operating a vehicle (IC 9-30-5-5).
 2 ~~(19)~~ **(21)** Criminal confinement (IC 35-42-3-3) as a:
 3 (A) Class B felony (for a crime committed before July 1,
 4 2014); or
 5 (B) Level 3 felony (for a crime committed after June 30,
 6 2014).
 7 ~~(20)~~ **(22)** Arson (IC 35-43-1-1) as a:
 8 (A) Class A or Class B felony (for a crime committed before
 9 July 1, 2014); or
 10 (B) Level 2, Level 3, or Level 4 felony (for a crime committed
 11 after June 30, 2014).
 12 ~~(21)~~ **(23)** Possession, use, or manufacture of a weapon of mass
 13 destruction (IC 35-47-12-1).
 14 ~~(22)~~ **(24)** Terroristic mischief (IC 35-47-12-3) as a:
 15 (A) Class B felony (for a crime committed before July 1,
 16 2014); or
 17 (B) Level 4 felony (for a crime committed after June 30,
 18 2014).
 19 ~~(23)~~ **(25)** Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
 20 ~~(24)~~ **(26)** A violation of IC 35-47.5 (controlled explosives) as a:
 21 (A) Class A or Class B felony (for a crime committed before
 22 July 1, 2014); or
 23 (B) Level 2 or Level 4 felony (for a crime committed after
 24 June 30, 2014).
 25 ~~(25)~~ **(27)** Domestic battery (IC 35-42-2-1.3) as a Level 2 felony,
 26 Level 3 felony, or Level 5 felony.
 27 ~~(26)~~ **(28)** A crime under the laws of another jurisdiction,
 28 including a military court, that is substantially similar to any of
 29 the offenses listed in this subdivision.
 30 ~~(27)~~ **(29)** Any other crimes evidencing a propensity or history of
 31 violence.
 32 SECTION 2. IC 31-37-4-3, AS AMENDED BY P.L.65-2016,
 33 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2018]: Sec. 3. (a) This section applies if a child is arrested or
 35 taken into custody for allegedly committing an act that would be any of
 36 the following crimes if committed by an adult:
 37 (1) Murder (IC 35-42-1-1).
 38 (2) Attempted murder (IC 35-41-5-1).
 39 (3) Voluntary manslaughter (IC 35-42-1-3).
 40 (4) Involuntary manslaughter (IC 35-42-1-4).
 41 (5) Reckless homicide (IC 35-42-1-5).
 42 (6) Aggravated battery (IC 35-42-2-1.5).



- 1 (7) Battery (IC 35-42-2-1).
 2 (8) Kidnapping (IC 35-42-3-2).
 3 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
 4 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 5 (11) Incest (IC 35-46-1-3).
 6 (12) Robbery as a Level 2 felony or a Level 3 felony
 7 (IC 35-42-5-1).
 8 (13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,
 9 or Level 4 felony (IC 35-43-2-1).
 10 (14) Assisting a criminal as a Level 5 felony (IC 35-44.1-2-5).
 11 (15) Escape (IC 35-44.1-3-4) as a Level 4 felony or Level 5
 12 felony.
 13 (16) Trafficking with an inmate as a Level 5 felony
 14 (~~IC 35-44.1-3-5~~): **(IC 35-44.1-3-5(b))**.
 15 **(17) Carrying a deadly weapon into a correctional facility**
 16 **(IC 35-44.1-3-5(d))**.
 17 **(18) Aiding in the escape of an inmate (IC 35-44.1-3-5(e))**.
 18 ~~(17)~~ **(19)** Causing death when operating a vehicle (IC 9-30-5-5).
 19 ~~(18)~~ **(20)** Criminal confinement (IC 35-42-3-3) as a Level 2 or
 20 Level 3 felony.
 21 ~~(19)~~ **(21)** Arson (IC 35-43-1-1) as a Level 2 felony, Level 3
 22 felony, or Level 4 felony.
 23 ~~(20)~~ **(22)** Possession, use, or manufacture of a weapon of mass
 24 destruction (IC 35-47-12-1).
 25 ~~(21)~~ **(23)** Terroristic mischief (IC 35-47-12-3) as a Level 2 or
 26 Level 3 felony.
 27 ~~(22)~~ **(24)** Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
 28 ~~(23)~~ **(25)** A violation of IC 35-47.5 (controlled explosives) as a
 29 Level 2 felony, Level 3 felony, or Level 4 felony.
 30 ~~(24)~~ **(26)** A controlled substances offense under IC 35-48.
 31 ~~(25)~~ **(27)** A criminal organization offense under IC 35-45-9.
 32 ~~(26)~~ **(28)** Domestic battery (IC 35-42-2-1.3).
 33 (b) If a child is taken into custody under this chapter for a crime or
 34 act listed in subsection (a) or a situation to which IC 12-26-4-1 applies,
 35 the law enforcement agency that employs the law enforcement officer
 36 who takes the child into custody shall notify the chief administrative
 37 officer of the primary or secondary school, including a public or
 38 nonpublic school, in which the child is enrolled or, if the child is
 39 enrolled in a public school, the superintendent of the school district in
 40 which the child is enrolled:
 41 (1) that the child was taken into custody; and
 42 (2) of the reason why the child was taken into custody.



1 (c) The notification under subsection (b) must occur within
2 forty-eight (48) hours after the child is taken into custody.

3 (d) A law enforcement agency may not disclose information that is
4 confidential under state or federal law to a school or school district
5 under this section.

6 (e) A law enforcement agency shall include in its training for law
7 enforcement officers training concerning the notification requirements
8 under subsection (b).

9 SECTION 3. IC 35-38-1-7.1, AS AMENDED BY P.L.213-2015,
10 SECTION 261, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2018]: Sec. 7.1. (a) In determining what
12 sentence to impose for a crime, the court may consider the following
13 aggravating circumstances:

14 (1) The harm, injury, loss, or damage suffered by the victim of an
15 offense was:

16 (A) significant; and

17 (B) greater than the elements necessary to prove the
18 commission of the offense.

19 (2) The person has a history of criminal or delinquent behavior.

20 (3) The victim of the offense was less than twelve (12) years of
21 age or at least sixty-five (65) years of age at the time the person
22 committed the offense.

23 (4) The person:

24 (A) committed a crime of violence (IC 35-50-1-2); and

25 (B) knowingly committed the offense in the presence or within
26 hearing of an individual who:

27 (i) was less than eighteen (18) years of age at the time the
28 person committed the offense; and

29 (ii) is not the victim of the offense.

30 (5) The person violated a protective order issued against the
31 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or
32 IC 34-4-5.1 before their repeal), a workplace violence restraining
33 order issued against the person under IC 34-26-6, or a no contact
34 order issued against the person.

35 (6) The person has recently violated the conditions of any
36 probation, parole, pardon, community corrections placement, or
37 pretrial release granted to the person.

38 (7) The victim of the offense was:

39 (A) a person with a disability (as defined in IC 27-7-6-12), and
40 the defendant knew or should have known that the victim was
41 a person with a disability; or

42 (B) mentally or physically infirm.



- 1 (8) The person was in a position having care, custody, or control
 2 of the victim of the offense.
- 3 (9) The injury to or death of the victim of the offense was the
 4 result of shaken baby syndrome (as defined in IC 16-41-40-2).
- 5 (10) The person threatened to harm the victim of the offense or a
 6 witness if the victim or witness told anyone about the offense.
- 7 (11) The person:
- 8 (A) committed:
- 9 (i) trafficking with an inmate under ~~IC 35-44.1-3-5;~~
 10 **IC 35-44.1-3-5(b);**
- 11 **(ii) carrying a deadly weapon into a correctional facility**
 12 **under IC 35-44.1-3-5(d); or**
- 13 **(iii) aiding in the escape of an inmate under**
 14 **IC 35-44.1-3-5(e); and**
- 15 (B) is an employee of the penal facility.
- 16 (b) The court may consider the following factors as mitigating
 17 circumstances or as favoring suspending the sentence and imposing
 18 probation:
- 19 (1) The crime neither caused nor threatened serious harm to
 20 persons or property, or the person did not contemplate that it
 21 would do so.
- 22 (2) The crime was the result of circumstances unlikely to recur.
- 23 (3) The victim of the crime induced or facilitated the offense.
- 24 (4) There are substantial grounds tending to excuse or justify the
 25 crime, though failing to establish a defense.
- 26 (5) The person acted under strong provocation.
- 27 (6) The person has no history of delinquency or criminal activity,
 28 or the person has led a law-abiding life for a substantial period
 29 before commission of the crime.
- 30 (7) The person is likely to respond affirmatively to probation or
 31 short term imprisonment.
- 32 (8) The character and attitudes of the person indicate that the
 33 person is unlikely to commit another crime.
- 34 (9) The person has made or will make restitution to the victim of
 35 the crime for the injury, damage, or loss sustained.
- 36 (10) Imprisonment of the person will result in undue hardship to
 37 the person or the dependents of the person.
- 38 (11) The person was convicted of a crime involving the use of
 39 force against a person who had repeatedly inflicted physical or
 40 sexual abuse upon the convicted person and evidence shows that
 41 the convicted person suffered from the effects of battery as a
 42 result of the past course of conduct of the individual who is the



1 victim of the crime for which the person was convicted.

2 (12) The person was convicted of a crime relating to a controlled
3 substance and the person's arrest or prosecution was facilitated in
4 part because the person:

5 (A) requested emergency medical assistance; or

6 (B) acted in concert with another person who requested
7 emergency medical assistance;

8 for an individual who reasonably appeared to be in need of
9 medical assistance due to the use of alcohol or a controlled
10 substance.

11 (13) The person has posttraumatic stress disorder, traumatic brain
12 injury, or a postconcussive brain injury.

13 (c) The criteria listed in subsections (a) and (b) do not limit the
14 matters that the court may consider in determining the sentence.

15 (d) A court may impose any sentence that is:

16 (1) authorized by statute; and

17 (2) permissible under the Constitution of the State of Indiana;
18 regardless of the presence or absence of aggravating circumstances or
19 mitigating circumstances.

20 (e) If a court suspends a sentence and orders probation for a person
21 described in subsection (b)(13), the court may require the person to
22 receive treatment for the person's injuries.

23 SECTION 4. IC 35-44.1-3-5, AS AMENDED BY P.L.168-2014,
24 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2018]: Sec. 5. (a) As used in this section, "juvenile facility"
26 means the following:

27 (1) A secure facility (as defined in IC 31-9-2-114) in which a
28 child is detained under IC 31 or used for a child awaiting
29 adjudication or adjudicated under IC 31 as a child in need of
30 services or a delinquent child.

31 (2) A shelter care facility (as defined in IC 31-9-2-117) in which
32 a child is detained under IC 31 or used for a child awaiting
33 adjudication or adjudicated under IC 31 as a child in need of
34 services or a delinquent child.

35 (b) A person who, without the prior authorization of the person in
36 charge of a penal facility or juvenile facility, knowingly or
37 intentionally:

38 (1) delivers, or carries into the penal facility or juvenile facility
39 with intent to deliver, an article to an inmate or child of the
40 facility;

41 (2) carries, or receives with intent to carry out of the penal facility
42 or juvenile facility, an article from an inmate or child of the



- 1 facility; or
 2 (3) delivers, or carries to a worksite with the intent to deliver,
 3 alcoholic beverages to an inmate or child of a jail work crew or
 4 community work crew;
 5 commits trafficking with an inmate, a Class A misdemeanor. However,
 6 the offense is a Level 5 felony under subdivision (1) or (2) if the article
 7 is a controlled substance, a deadly weapon, ~~or~~ a cellular telephone, **a**
 8 **cellular telephone component**, or ~~other another~~ wireless or cellular
 9 communications device.
- 10 (c) If:
 11 (1) the person who committed the offense under subsection (b) is
 12 an employee of:
 13 (A) the department of correction; or
 14 (B) a penal facility;
 15 and the article is a cigarette or tobacco product (as defined in
 16 IC 6-7-2-5), the court shall order the person to pay a fine of at
 17 least five hundred dollars (\$500) and not more than five thousand
 18 dollars (\$5,000) under IC 35-50-3-2, in addition to any term of
 19 imprisonment imposed under IC 35-50-3-2; or
 20 (2) a person is convicted of committing a Level 5 felony under
 21 subsection (b)(1) or (b)(2) because the article was a cellular
 22 telephone, **a cellular telephone component**, or ~~other another~~
 23 wireless or cellular communication device, the court shall order
 24 the person to pay a fine of at least five hundred dollars (\$500) and
 25 not more than ten thousand dollars (\$10,000) under
 26 IC 35-50-2-6(a) in addition to any term of imprisonment imposed
 27 on the person under IC 35-50-2-6(a).
- 28 (d) A person who:
 29 (1) is not an inmate of a penal facility or a child of a juvenile
 30 facility; and
 31 (2) knowingly or intentionally possesses in, or carries or causes to
 32 be brought into, the penal facility or juvenile facility a deadly
 33 weapon without the prior authorization of the person in charge of
 34 the penal facility or juvenile facility;
 35 commits carrying a deadly weapon into a correctional facility, a Level
 36 5 felony.
- 37 (e) A person who:
 38 (1) **is not an inmate of a penal facility or a child of a juvenile**
 39 **facility; and**
 40 (2) **knowingly or intentionally, without the prior authorization**
 41 **of the person in charge of the penal facility or juvenile facility,**
 42 **delivers or carries into the penal facility or juvenile facility,**



1 **with intent to deliver to an inmate or child of the facility, a**
 2 **device or tool designed or intended to be used in aiding an**
 3 **inmate or child of the facility to escape;**
 4 **commits aiding in the escape of an inmate, a Level 5 felony.**

5 SECTION 5. IC 35-47-4-5, AS AMENDED BY P.L.252-2017,
 6 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2018]: Sec. 5. (a) As used in this section, "serious violent
 8 felon" means a person who has been convicted of:

9 (1) committing a serious violent felony in:

10 (A) Indiana; or

11 (B) any other jurisdiction in which the elements of the crime
 12 for which the conviction was entered are substantially similar
 13 to the elements of a serious violent felony; or

14 (2) attempting to commit or conspiring to commit a serious
 15 violent felony in:

16 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;

17 or

18 (B) any other jurisdiction in which the elements of the crime
 19 for which the conviction was entered are substantially similar
 20 to the elements of attempting to commit or conspiring to
 21 commit a serious violent felony.

22 (b) As used in this section, "serious violent felony" means:

23 (1) murder (IC 35-42-1-1);

24 (2) voluntary manslaughter (IC 35-42-1-3);

25 (3) reckless homicide not committed by means of a vehicle
 26 (IC 35-42-1-5);

27 (4) battery (IC 35-42-2-1) as a:

28 (A) Class A felony, Class B felony, or Class C felony, for a
 29 crime committed before July 1, 2014; or

30 (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5
 31 felony, for a crime committed after June 30, 2014;

32 (5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level
 33 3 felony, Level 4 felony, or Level 5 felony;

34 (6) aggravated battery (IC 35-42-2-1.5);

35 (7) kidnapping (IC 35-42-3-2);

36 (8) criminal confinement (IC 35-42-3-3);

37 (9) rape (IC 35-42-4-1);

38 (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

39 (11) child molesting (IC 35-42-4-3);

40 (12) sexual battery (IC 35-42-4-8) as a:

41 (A) Class C felony, for a crime committed before July 1, 2014;

42 or



- 1 (B) Level 5 felony, for a crime committed after June 30, 2014;
 2 (13) robbery (IC 35-42-5-1);
 3 (14) carjacking (IC 5-42-5-2) (before its repeal);
 4 (15) arson (IC 35-43-1-1(a)) as a:
 5 (A) Class A felony or Class B felony, for a crime committed
 6 before July 1, 2014; or
 7 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a
 8 crime committed after June 30, 2014;
 9 (16) burglary (IC 35-43-2-1) as a:
 10 (A) Class A felony or Class B felony, for a crime committed
 11 before July 1, 2014; or
 12 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
 13 felony, for a crime committed after June 30, 2014;
 14 (17) assisting a criminal (IC 35-44.1-2-5) as a:
 15 (A) Class C felony, for a crime committed before July 1, 2014;
 16 or
 17 (B) Level 5 felony, for a crime committed after June 30, 2014;
 18 (18) resisting law enforcement (IC 35-44.1-3-1) as a:
 19 (A) Class B felony or Class C felony, for a crime committed
 20 before July 1, 2014; or
 21 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a
 22 crime committed after June 30, 2014;
 23 (19) escape (IC 35-44.1-3-4) as a:
 24 (A) Class B felony or Class C felony, for a crime committed
 25 before July 1, 2014; or
 26 (B) Level 4 felony or Level 5 felony, for a crime committed
 27 after June 30, 2014;
 28 (20) trafficking with an inmate (~~IC 35-44.1-3-5~~)
 29 **(IC 35-44.1-3-5(b))** as a:
 30 (A) Class C felony, for a crime committed before July 1, 2014;
 31 or
 32 (B) Level 5 felony, for a crime committed after June 30, 2014;
 33 **(21) carrying a deadly weapon into a correctional facility**
 34 **(IC 35-44.1-3-5(d));**
 35 **(22) aiding in the escape of an inmate (IC 35-44.1-3-5(e));**
 36 ~~(21)~~ **(23)** criminal organization intimidation (IC 35-45-9-4);
 37 ~~(22)~~ **(24)** stalking (IC 35-45-10-5) as a:
 38 (A) Class B felony or Class C felony, for a crime committed
 39 before July 1, 2014; or
 40 (B) Level 4 felony or Level 5 felony, for a crime committed
 41 after June 30, 2014;
 42 ~~(23)~~ **(25)** incest (IC 35-46-1-3);



1 ~~(24)~~ **(26)** dealing in or manufacturing cocaine or a narcotic drug
2 (IC 35-48-4-1);
3 ~~(25)~~ **(27)** dealing in methamphetamine (IC 35-48-4-1.1) or
4 manufacturing methamphetamine (IC 35-48-4-1.2);
5 ~~(26)~~ **(28)** dealing in a schedule I, II, or III controlled substance
6 (IC 35-48-4-2);
7 ~~(27)~~ **(29)** dealing in a schedule IV controlled substance
8 (IC 35-48-4-3); or
9 ~~(28)~~ **(30)** dealing in a schedule V controlled substance
10 (IC 35-48-4-4).
11 (c) A serious violent felon who knowingly or intentionally possesses
12 a firearm commits unlawful possession of a firearm by a serious violent
13 felon, a Level 4 felony.

