

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE ENROLLED ACT No. 532

AN ACT to amend the Indiana Code concerning law enforcement.

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

SECTION 1. IC 5-2-6-25 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 25. (a) The human trafficking prevention and victim assistance fund is established for the purpose of providing funds for:**

- (1) human trafficking victim services; and**
- (2) human trafficking prevention programs provided by community based organizations.**

Money in the fund may be used only to carry out the purposes of the fund.

(b) The fund shall be administered by the institute.

(c) The fund consists of:

- (1) money deposited in the fund under IC 32-30-7-24.5;**
- (2) grants; and**
- (3) donations.**

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same



manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) The state is subrogated to the rights of a victim to whom services are provided, to the extent of the services. The subrogation rights are against the perpetrator of the crime or a person otherwise liable for the loss. If the victim brings a civil action against the perpetrator of the crime or against the person otherwise liable for the loss, the victim shall promptly notify the institute of the filing of the civil action.

(h) In addition to the subrogation rights under subsection (g), the state is entitled to a lien in the amount of the services provided on a recovery made by or on behalf of the victim. The state may:

- (1) recover the amount of services in a separate action; or
- (2) intervene in an action brought by or on behalf of the victim.

SECTION 2. IC 7.1-3-23-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 20.5. (a) As used in this section, "adult entertainment" means adult oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.**

(b) This section applies to the holder of a retailer's permit that provides adult entertainment on the licensed premises.

(c) The holder of a retailer's permit that provides adult entertainment on the licensed premises shall do the following:

- (1) Require a performer who provides adult entertainment on the licensed premises to provide proof of age by two (2) forms of government issued identification, including a:

- (A) state issued driver's license;
- (B) state issued identification card; or
- (C) passport;

showing the performer to be at least eighteen (18) years of age.

- (2) Require a performer who provides adult entertainment on the licensed premises to provide proof of legal residency in the United States by means of:

- (A) a birth certificate;
- (B) a Social Security card;



- (C) a passport;
- (D) valid documentary evidence described in IC 9-24-9-2.5;
- or
- (E) other valid documentary evidence issued by the United States demonstrating that the performer is entitled to reside in the United States.

(3) Take a photograph of each adult entertainer who auditions to provide adult entertainment at the licensed premises at the time of the audition and retain the photograph for at least three (3) years after:

- (A) the date of the audition; or
- (B) the last day on which the performer provides adult entertainment at the licensed premises;

whichever is later. A photograph taken under this subdivision must show the adult entertainer's facial features.

(4) Require all performers and other employees of the retail permit holder to sign a document approved by the commission to acknowledge their awareness of the problem of human trafficking.

(5) Display human trafficking awareness posters in at least two (2) of the following locations on the licensed premises:

- (A) The office of the manager of the licensed premises.
- (B) The locker room used by performers or other employees.
- (C) The break room used by performers or other employees.

Posters displayed under this subdivision must describe human trafficking, state indicators of human trafficking (such as restricted freedom of movement and signs of physical abuse), set forth hotline telephone numbers for law enforcement, and be approved by the commission.

(6) Cooperate with any law enforcement investigation concerning allegations of a violation of this section.

(d) The commission may revoke, suspend, or refuse to renew the permit issued for the licensed premises if the holder fails to comply with subsection (c).

(e) In determining whether to revoke, suspend, or refuse to renew the permit issued for a licensed premises under subsection (d), the commission may consider:

- (1) the extent to which the permit holder has cooperated with



any law enforcement investigation as required by subsection (c)(6); and

(2) whether the permit holder has provided training to performers who provide adult entertainment at the permit holder's licensed premises and other employees of the licensed premises through a program that:

(A) is designed to increase the awareness of human trafficking and assist victims of human trafficking; and

(B) has been approved by:

(i) a department of the United States government; or

(ii) a nationwide association made up of operators who run adult entertainment establishments.

SECTION 3. IC 10-11-2-34.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 34.2. (a) The superintendent shall annually report to the legislative council, to the extent the information is available, the amount of money that the state police department has received from the federal government as the result of a forfeiture conducted by the federal government.**

(b) The report shall be:

(1) submitted before July 15 of every year; and

(2) in an electronic format under IC 5-14-6.

(c) The report may include any other information that the superintendent believes would be helpful.

SECTION 4. IC 32-30-7-1, AS AMENDED BY P.L.158-2013, SECTION 333, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this chapter, "indecent nuisance" means a:

(1) place in or upon which prostitution (as described in IC 35-45-4);

(2) public place in or upon which other sexual conduct (as defined in IC 35-31.5-2-221.5) or sexual intercourse (as defined in IC 35-31.5-2-302); or

(3) public place in or upon which the fondling of the genitals of a person; or

(4) public place in or upon which human trafficking (as described in IC 35-42-3.5-1);

is conducted, permitted, continued, or exists, and the personal property and contents used in conducting and maintaining the place for such a purpose.



SECTION 5. IC 32-30-7-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) **Except as provided in section 24.5 of this chapter**, all money collected under this chapter shall be paid to the county treasurer.

(b) The proceeds of the sale of the personal property under section 22 of this chapter, or as much of the proceeds as necessary, shall be applied in payment of the costs of the action and abatement, including the complainant's costs.

SECTION 6. IC 32-30-7-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 24.5. Money collected under this chapter concerning a public place in or upon which human trafficking (as described in IC 35-42-3.5-1) is conducted, permitted, continued, or exists, and the personal property and contents used in conducting and maintaining the place for such a purpose shall be distributed as follows:**

(1) **Eighty percent (80%) of the money collected shall be deposited in the human trafficking prevention and victim assistance fund established by IC 5-2-6-25, to be used for the purposes of the fund.**

(2) **Twenty percent (20%) of the money collected shall be transferred to the county auditor for deposit in the county general fund. Money deposited in the county general fund under this subdivision may only be appropriated to the prosecuting attorney to defray expenses incurred in the:**

(A) **collection of the funds; and**

(B) **investigation or prosecution of human trafficking.**

SECTION 7. IC 33-39-8-5, AS AMENDED BY P.L.176-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The council shall do the following:

(1) Assist in the coordination of the duties of the prosecuting attorneys of the state and their staffs.

(2) Prepare manuals of procedure.

(3) Give assistance in preparation of the trial briefs, forms, and instructions.

(4) Conduct research and studies that would be of interest and value to all prosecuting attorneys and their staffs.

(5) Maintain liaison contact with study commissions and agencies of all branches of local, state, and federal government that will be of benefit to law enforcement and the fair administration of



justice in Indiana.

(6) Adopt guidelines for the expenditure of funds derived from a deferral program or a pretrial diversion program.

(7) The council shall:

(A) compile forfeiture data received under IC 34-24-1-4.5; and

(B) annually submit a report to the legislative council containing the compiled data.

The council shall submit the report to the legislative council before July 15 of every year. The report must be in an electronic format under IC 5-14-6. The council may adopt rules under IC 4-22-2 to implement this subdivision.

SECTION 8. IC 34-24-1-1, AS AMENDED BY P.L.217-2014, SECTION 187, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The following may be seized:

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

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

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vi) Dealing in a counterfeit substance (IC 35-48-4-5).

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

(viii) Possession of methamphetamine (IC 35-48-4-6.1).

(ix) Dealing in paraphernalia (IC 35-48-4-8.5).

(x) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).

(xi) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).

SEA 532 — CC 1



- (B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.
 - (C) Any hazardous waste in violation of IC 13-30-10-1.5.
 - (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).
- (2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):
- (A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;
 - (B) used to facilitate any violation of a criminal statute; or
 - (C) traceable as proceeds of the violation of a criminal statute.
- (3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.
- (4) A vehicle that is used by a person to:
- (A) commit, attempt to commit, or conspire to commit;
 - (B) facilitate the commission of; or
 - (C) escape from the commission of;
- murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.
- (5) Real property owned by a person who uses it to commit any of the following as a Level 1, Level 2, Level 3, Level 4, or Level 5 felony:
- (A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
 - (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 - (C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).



- (D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (E) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
- (F) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).
- (6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).
- (7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.
- (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).
- (9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.
- (10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.
- (11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.
- (12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.
- (13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.
- (14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:
 - (A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.
 - (B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.
- (15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:
 - (A) while intoxicated, in violation of IC 9-30-5-1 through



IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

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

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

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

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

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

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

(16) The following real or personal property:

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

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

(17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).

(18) Real or personal property, including a vehicle, that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

a violation of IC 35-42-3.5-1 (human trafficking) or IC 35-45-4-4 (promoting prostitution).

(b) A vehicle used by any person as a common or contract carrier in



the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

- (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).
- (2) IC 35-48-4-1.1 (dealing in methamphetamine).
- (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).
- (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- (5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Level 4 felony.
- (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Level 3, Level 4, or Level 5 felony.
- (7) IC 35-48-4-6.1 (possession of methamphetamine) as a Level 3, Level 4, or Level 5 felony.
- (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or salvia) as a Level 5 felony.
- (9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug lookalike substance) as a Level 5 felony or Level 6 felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).

(e) A vehicle operated by a person who is not:

- (1) an owner of the vehicle; or
- (2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be



proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 9. IC 34-24-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4.5. (a) After a court enters a judgment in favor of the state or a unit under section 4 of this chapter, the prosecuting attorney shall report the:**

- (1) amount of money or property that is the subject of the judgment; and**
- (2) law enforcement agency to which the money or property is ordered to be transferred;**

to the Indiana prosecuting attorneys council. This subsection applies even if the prosecuting attorney has retained an attorney to bring an action under this chapter.

(b) After a court, upon motion of the prosecuting attorney under IC 35-33-5-5(j), orders property transferred to a federal authority for disposition under 18 U.S.C. 981(e), 19 U.S.C. 1616a, or 21 U.S.C. 881(e), and any related regulations adopted by the United States Department of Justice, the prosecuting attorney shall report to the Indiana prosecuting attorneys council the amount of money or property transferred. This subsection applies even if the prosecuting attorney has retained an attorney to bring an action under this chapter.

(c) A report made to the Indiana prosecuting attorneys council under this section must be in a format approved by the prosecuting attorneys council.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 532 — CC 1

