

# SENATE BILL No. 198

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-48-1-16.5.

**Synopsis:** Controlled substances in penal facilities. Makes committing a controlled substance offense on the property of a penal facility or juvenile facility an enhancing circumstance.

**Effective:** July 1, 2019.

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## Bohacek

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

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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.

## SENATE BILL No. 198

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 35-48-1-16.5, AS AMENDED BY P.L.168-2014,  
2 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 16.5. "Enhancing circumstance" means one (1) or  
4 more of the following:  
5 (1) The person has a prior conviction, in any jurisdiction, for  
6 dealing in a controlled substance that is not marijuana, hashish,  
7 hash oil, salvia divinorum, or a synthetic drug, including an  
8 attempt or conspiracy to commit the offense.  
9 (2) The person committed the offense while in possession of a  
10 firearm.  
11 (3) The person committed the offense:  
12 (A) on a school bus; or  
13 (B) in, on, or within five hundred (500) feet of:  
14 (i) school property while a person under eighteen (18) years  
15 of age was reasonably expected to be present; or  
16 (ii) a public park while a person under eighteen (18) years  
17 of age was reasonably expected to be present.



- 1 (4) The person delivered or financed the delivery of the drug to a
- 2 person under eighteen (18) years of age at least three (3) years
- 3 junior to the person.
- 4 (5) The person manufactured or financed the manufacture of the
- 5 drug.
- 6 (6) The person committed the offense in the physical presence of
- 7 a child less than eighteen (18) years of age, knowing that the child
- 8 was present and might be able to see or hear the offense.
- 9 **(7) The person committed the offense on the property of a:**
- 10 **(A) penal facility; or**
- 11 **(B) juvenile facility (as defined in IC 35-44.1-3-5).**

