



February 6, 2019

SENATE BILL No. 519

DIGEST OF SB 519 (Updated February 5, 2019 11:14 am - DI 106)

Citations Affected: IC 35-32; IC 35-48.

Synopsis: Drug penalties. Provides that if a person commits the offense of: (1) dealing; or (2) an attempt or conspiracy to commit dealing; in a controlled substance, the person may be tried in any county where the person performed an act in furtherance of the offense. Replaces heroin with cocaine or a narcotic drug in certain offense enhancements in the offense of dealing in cocaine or a narcotic drug. Adds an element to certain offense enhancements relating to controlled substances by aggregating the weight of a drug over a period of not more than 90 days.

Effective: July 1, 2019.

Koch, Freeman, Bohacek

January 14, 2019, read first time and referred to Committee on Corrections and Criminal Law.
February 5, 2019, amended, reported favorably — Do Pass.

SB 519—LS 6924/DI 131



February 6, 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.

SENATE BILL No. 519

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 35-32-2-1, AS AMENDED BY P.L.115-2005,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1. (a) Criminal actions shall be tried in the county
4 where the offense was committed, except as otherwise provided by law.
5 (b) If a person committing an offense upon the person of another is
6 located in one (1) county and the person's victim is located in another
7 county at the time of the commission of the offense, the trial may be in
8 either of the counties.
9 (c) If the offense involves killing or causing the death of another
10 human being, the trial may be in the county in which the:
11 (1) cause of death is inflicted;
12 (2) death occurs; or
13 (3) victim's body is found.
14 (d) If an offense is committed in Indiana and it cannot readily be
15 determined in which county the offense was committed, trial may be in
16 any county in which an act was committed in furtherance of the
17 offense.

SB 519—LS 6924/DI 131



1 (e) If an offense is commenced outside Indiana and completed
2 within Indiana, the offender may be tried in any county where any act
3 in furtherance of the offense occurred.

4 (f) If an offense commenced inside Indiana is completed outside
5 Indiana, the offender shall be tried in any county where an act in
6 furtherance of the offense occurred.

7 (g) If an offense is committed on the portions of the Ohio or Wabash
8 Rivers where they form a part of the boundaries of this state, trial may
9 be in the county that is adjacent to the river and whose boundaries, if
10 projected across the river, would include the place where the offense
11 was committed.

12 (h) If an offense is committed at a place which is on or near a
13 common boundary which is shared by two (2) or more counties and it
14 cannot be readily determined where the offense was committed, then
15 the trial may be in any county sharing the common boundary.

16 (i) If an offense is committed on a public highway (as defined in
17 IC 9-25-2-4) that runs on and along a common boundary shared by two
18 (2) or more counties, the trial may be held in any county sharing the
19 common boundary.

20 (j) If an offense is committed by use of the Internet or another
21 computer network (as defined in IC 35-43-2-3), the trial may be held
22 in any county:

23 (1) from which or to which access to the Internet or other
24 computer network was made; or

25 (2) in which any computer, computer data, computer software, or
26 computer network that was used to access the Internet or other
27 computer network is located.

28 (k) If an offense:

29 (1) is committed by use of:

30 (A) the Internet or another computer network (as defined in
31 IC 35-43-2-3); or

32 (B) another form of electronic communication; and

33 (2) occurs outside Indiana and the victim of the offense resides in
34 Indiana at the time of the offense;

35 the trial may be held in the county where the victim resides at the time
36 of the offense.

37 **(l) If a person commits the offense of:**

38 **(1) dealing; or**

39 **(2) an attempt or conspiracy to commit dealing;**

40 **in a controlled substance under IC 35-48-4, the person may be tried**
41 **in any county where the person performed an act in furtherance of**
42 **the offense.**



1 SECTION 2. IC 35-48-4-1, AS AMENDED BY P.L.252-2017,
 2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 1. (a) A person who:

4 (1) knowingly or intentionally:

5 (A) manufactures;

6 (B) finances the manufacture of;

7 (C) delivers; or

8 (D) finances the delivery of;

9 cocaine or a narcotic drug, pure or adulterated, classified in
 10 schedule I or II; or

11 (2) possesses, with intent to:

12 (A) manufacture;

13 (B) finance the manufacture of;

14 (C) deliver; or

15 (D) finance the delivery of;

16 cocaine or a narcotic drug, pure or adulterated, classified in
 17 schedule I or II;

18 commits dealing in cocaine or a narcotic drug, a Level 5 felony, except
 19 as provided in subsections (b) through (e).

20 (b) A person may be convicted of an offense under subsection (a)(2)
 21 only if:

22 (1) there is evidence in addition to the weight of the drug that the
 23 person intended to manufacture, finance the manufacture of,
 24 deliver, or finance the delivery of the drug; or

25 (2) the amount of the drug involved is at least twenty-eight (28)
 26 grams.

27 (c) The offense is a Level 4 felony if:

28 (1) the amount of the drug involved is at least one (1) gram but
 29 less than five (5) grams;

30 (2) the amount of the drug involved is less than one (1) gram and
 31 an enhancing circumstance applies; or

32 (3) ~~the drug is heroin and~~ the amount of ~~heroin the drug~~
 33 involved, aggregated over a period of not more than ninety (90)
 34 days, is at least three (3) grams but less than seven (7) grams.

35 (d) The offense is a Level 3 felony if:

36 (1) the amount of the drug involved is at least five (5) grams but
 37 less than ten (10) grams;

38 (2) the amount of the drug involved is at least one (1) gram but
 39 less than five (5) grams and an enhancing circumstance applies;

40 (3) ~~the drug is heroin and~~ the amount of ~~heroin the drug~~
 41 involved, aggregated over a period of not more than ninety (90)
 42 days, is at least seven (7) grams but less than twelve (12) grams;



- 1 or
- 2 (4) ~~the drug is heroin and:~~
- 3 (A) the amount of ~~heroin the drug~~ involved, aggregated over
- 4 a period of not more than ninety (90) days, is at least three (3)
- 5 grams but less than seven (7) grams and
- 6 ~~(B) an enhancing circumstance applies.~~
- 7 (e) The offense is a Level 2 felony if:
- 8 (1) the amount of the drug involved is at least ten (10) grams;
- 9 (2) the amount of the drug involved is at least five (5) grams but
- 10 less than ten (10) grams and an enhancing circumstance applies;
- 11 (3) ~~the drug is heroin and~~ the amount of ~~heroin the drug~~
- 12 involved, aggregated over a period of not more than ninety (90)
- 13 days, is at least twelve (12) grams; or
- 14 (4) ~~the drug is heroin and:~~
- 15 (A) the amount of ~~heroin the drug~~ involved, aggregated over
- 16 a period of not more than ninety (90) days, is at least seven (7)
- 17 grams but less than twelve (12) grams and
- 18 ~~(B) an enhancing circumstance applies.~~
- 19 SECTION 3. IC 35-48-4-1.1, AS AMENDED BY P.L.252-2017,
- 20 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2019]: Sec. 1.1. (a) A person who:
- 22 (1) knowingly or intentionally:
- 23 (A) delivers; or
- 24 (B) finances the delivery of;
- 25 methamphetamine, pure or adulterated; or
- 26 (2) possesses, with intent to:
- 27 (A) deliver; or
- 28 (B) finance the delivery of;
- 29 methamphetamine, pure or adulterated;
- 30 commits dealing in methamphetamine, a Level 5 felony, except as
- 31 provided in subsections (b) through (e).
- 32 (b) A person may be convicted of an offense under subsection (a)(2)
- 33 only if:
- 34 (1) there is evidence in addition to the weight of the drug that the
- 35 person intended to deliver or finance the delivery of the drug; or
- 36 (2) the amount of the drug involved is at least twenty-eight (28)
- 37 grams.
- 38 (c) The offense is a Level 4 felony if:
- 39 (1) the amount of the drug involved is at least one (1) gram but
- 40 less than five (5) grams; ~~or~~
- 41 (2) the amount of the drug involved is less than one (1) gram and
- 42 an enhancing circumstance applies; **or**



- 1 **(3) the amount of the drug involved, aggregated over a period**
 2 **of not more than ninety (90) days, is at least three (3) grams**
 3 **but less than seven (7) grams.**
- 4 (d) The offense is a Level 3 felony if:
- 5 (1) the amount of the drug involved is at least five (5) grams but
 6 less than ten (10) grams; ~~or~~
- 7 (2) the amount of the drug involved is at least one (1) gram but
 8 less than five (5) grams and an enhancing circumstance applies;
 9 **(3) the amount of the drug involved, aggregated over a period**
 10 **of not more than ninety (90) days, is at least seven (7) grams**
 11 **but less than twelve (12) grams; or**
- 12 **(4) the amount of the drug involved, aggregated over a period**
 13 **of not more than ninety (90) days, is at least three (3) grams**
 14 **but less than seven (7) grams and an enhancing circumstance**
 15 **applies.**
- 16 (e) The offense is a Level 2 felony if:
- 17 (1) the amount of the drug involved is at least ten (10) grams; ~~or~~
- 18 (2) the amount of the drug involved is at least five (5) grams but
 19 less than ten (10) grams and an enhancing circumstance applies;
 20 **(3) the amount of the drug involved, aggregated over a period**
 21 **of not more than ninety (90) days, is at least twelve (12)**
 22 **grams; or**
- 23 **(4) the amount of the drug involved, aggregated over a period**
 24 **of not more than ninety (90) days, is at least seven (7) grams**
 25 **but less than twelve (12) grams and an enhancing**
 26 **circumstance applies.**
- 27 SECTION 4. IC 35-48-4-1.2, AS ADDED BY P.L.252-2017,
 28 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 1.2. (a) A person who knowingly or intentionally
 30 manufactures or finances the manufacture of methamphetamine, pure
 31 or adulterated, commits manufacturing methamphetamine, a Level 4
 32 felony, except as provided in subsections (b) and (c).
- 33 (b) The offense is a Level 3 felony if:
- 34 (1) the amount of the drug involved is at least five (5) grams but
 35 less than ten (10) grams; ~~or~~
- 36 (2) the amount of the drug involved is at least one (1) gram but
 37 less than five (5) grams and an enhancing circumstance applies;
 38 **(3) the amount of the drug involved, aggregated over a period**
 39 **of not more than ninety (90) days, is at least seven (7) grams**
 40 **but less than twelve (12) grams; or**
- 41 **(4) the amount of the drug involved, aggregated over a period**
 42 **of not more than ninety (90) days, is at least three (3) grams**



- 1 **but less than seven (7) grams and an enhancing circumstance**
 2 **applies.**
 3 (c) The offense is a Level 2 felony if:
 4 (1) the amount of the drug involved is at least ten (10) grams;
 5 (2) the amount of the drug involved is at least five (5) grams but
 6 less than ten (10) grams and an enhancing circumstance applies;
 7 **(3) the amount of the drug involved, aggregated over a period**
 8 **of not more than ninety (90) days, is at least twelve (12)**
 9 **grams;**
 10 **(4) the amount of the drug involved, aggregated over a period**
 11 **of not more than ninety (90) days, is at least seven (7) grams**
 12 **but less than twelve (12) grams and an enhancing**
 13 **circumstance applies;**
 14 ~~(5)~~ **(5)** the manufacture of the drug results in serious bodily injury
 15 to a person other than the manufacturer; or
 16 ~~(6)~~ **(6)** the manufacture of the drug results in the death of a person
 17 other than the manufacturer.
 18 SECTION 5. IC 35-48-4-2, AS AMENDED BY P.L.44-2016,
 19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2019]: Sec. 2. (a) A person who:
 21 (1) knowingly or intentionally:
 22 (A) manufactures;
 23 (B) finances the manufacture of;
 24 (C) delivers; or
 25 (D) finances the delivery of;
 26 a controlled substance, pure or adulterated, classified in schedule
 27 I, II, or III, except marijuana, hash oil, hashish, salvia, or a
 28 synthetic drug; or
 29 (2) possesses, with intent to:
 30 (A) manufacture;
 31 (B) finance the manufacture of;
 32 (C) deliver; or
 33 (D) finance the delivery of;
 34 a controlled substance, pure or adulterated, classified in schedule
 35 I, II, or III, except marijuana, hash oil, hashish, salvia, or a
 36 synthetic drug;
 37 commits dealing in a schedule I, II, or III controlled substance, a Level
 38 6 felony, except as provided in subsections (b) through (f).
 39 (b) A person may be convicted of an offense under subsection (a)(2)
 40 only if:
 41 (1) there is evidence in addition to the weight of the drug that the
 42 person intended to manufacture, finance the manufacture of,



- 1 deliver, or finance the delivery of the drug; or
2 (2) the amount of the drug involved is at least twenty-eight (28)
3 grams.
4 (c) The offense is a Level 5 felony if:
5 (1) the amount of the drug involved is at least one (1) gram but
6 less than five (5) grams; or
7 (2) the amount of the drug involved is less than one (1) gram and
8 an enhancing circumstance applies.
9 (d) The offense is a Level 4 felony if:
10 (1) the amount of the drug involved is at least five (5) grams but
11 less than ten (10) grams; ~~or~~
12 (2) the amount of the drug involved is at least one (1) gram but
13 less than five (5) grams and an enhancing circumstance applies;
14 **(3) the amount of the drug involved, aggregated over a period**
15 **of not more than ninety (90) days, is at least seven (7) grams**
16 **but less than twelve (12) grams; or**
17 **(4) the amount of the drug involved, aggregated over a period**
18 **of not more than ninety (90) days, is at least three (3) grams**
19 **but less than seven (7) grams and an enhancing circumstance**
20 **applies.**
21 (e) The offense is a Level 3 felony if:
22 (1) the amount of the drug involved is at least ten (10) grams but
23 less than twenty-eight (28) grams; ~~or~~
24 (2) the amount of the drug involved is at least five (5) grams but
25 less than ten (10) grams and an enhancing circumstance applies;
26 **(3) the amount of the drug involved, aggregated over a period**
27 **of not more than ninety (90) days, is at least twelve (12) grams**
28 **but less than thirty (30) grams; or**
29 **(4) the amount of the drug involved, aggregated over a period**
30 **of not more than ninety (90) days, is at least seven (7) grams**
31 **but less than twelve (12) grams and an enhancing**
32 **circumstance applies.**
33 (f) The offense is a Level 2 felony if:
34 (1) the amount of the drug involved is at least twenty-eight (28)
35 grams; ~~or~~
36 (2) the amount of the drug involved is at least ten (10) grams but
37 less than twenty-eight (28) grams and an enhancing circumstance
38 applies;
39 **(3) the amount of the drug involved, aggregated over a period**
40 **of not more than ninety (90) days, is at least thirty (30) grams;**
41 **or**
42 **(4) the amount of the drug involved, aggregated over a period**



1 **of not more than ninety (90) days, is at least twelve (12) grams**
2 **but less than thirty (30) grams and an enhancing**
3 **circumstance applies.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 519, 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 8, delete lines 4 through 36.

and when so amended that said bill do pass.

(Reference is to SB 519 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 8, Nays 1.

