
HOUSE BILL No. 1308

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44-3-9.4; IC 35-48-4-13.

Synopsis: Contraband in penal facilities; public nuisances. Makes it unlawful possession of contraband in a penal facility or juvenile facility, a Class A misdemeanor, for a person to knowingly or intentionally carry contraband into a penal facility or juvenile facility with intent to personally use the contraband unless the person has been authorized to do so by the person in charge of a penal facility or juvenile facility. Makes the offense a Class C felony if the contraband is a controlled substance or deadly weapon. Specifies that a person commits visiting a common nuisance, a Class B misdemeanor, if the person knowingly or intentionally visits a building, structure, vehicle, or other place that is used by any person to unlawfully use a controlled substance one or more times.

Effective: July 1, 2009.

Leonard, Tincher, Truitt, Clements

January 13, 2009, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1308



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 35-44-3-9.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 9.4. (a) As used in this section, "contraband" means**
4 **the following:**
5 (1) **Alcohol.**
6 (2) **A cigarette or tobacco product.**
7 (3) **A controlled substance.**
8 (4) **An item that may be used as a weapon.**
9 (b) **As used in this section, "juvenile facility" means the**
10 **following:**
11 (1) **A secure facility (as defined in IC 31-9-2-114) in which a**
12 **child is detained under IC 31 or used for a child awaiting**
13 **adjudication or adjudicated under IC 31 as a child in need of**
14 **services or a delinquent child.**
15 (2) **A shelter care facility (as defined in IC 31-9-2-117) in**
16 **which a child is detained under IC 31 or used for a child**
17 **awaiting adjudication or adjudicated under IC 31 as a child**



1 **in need of services or a delinquent child.**
 2 **(c) A person who, without the prior authorization of the person**
 3 **in charge of a penal facility or juvenile facility, knowingly or**
 4 **intentionally carries contraband into the penal facility or juvenile**
 5 **facility with intent to personally use the contraband commits**
 6 **unlawful possession of contraband in a penal facility or juvenile**
 7 **facility, a Class A misdemeanor. However, the offense is a Class C**
 8 **felony if the contraband is a:**

- 9 **(1) controlled substance; or**
 10 **(2) deadly weapon.**

11 SECTION 2. IC 35-48-4-13 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) A person who
 13 knowingly or intentionally visits a building, structure, vehicle, or other
 14 place that is used by any person to unlawfully use a controlled
 15 substance **one (1) or more times** commits visiting a common nuisance,
 16 a Class B misdemeanor.

17 (b) A person who knowingly or intentionally maintains a building,
 18 structure, vehicle, or other place that is used one (1) or more times:

- 19 (1) by persons to unlawfully use controlled substances; or
 20 (2) for unlawfully:
 21 (A) manufacturing;
 22 (B) keeping;
 23 (C) offering for sale;
 24 (D) selling;
 25 (E) delivering; or
 26 (F) financing the delivery of;
 27 controlled substances, or items of drug paraphernalia as described
 28 in IC 35-48-4-8.5;

29 commits maintaining a common nuisance, a Class D felony.

30 SECTION 3. [EFFECTIVE JULY 1, 2009] **IC 35-44-3-9.4, as**
 31 **added by this act, and IC 35-48-4-13, as amended by this act, apply**
 32 **only to offenses committed after June 30, 2009.**

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