

SENATE BILL No. 284

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-39; IC 5-2-8; IC 6-7-3; IC 7.1-7; IC 7.1-8; IC 15-16-7-8; IC 33-37; IC 35-48-4; IC 35-52-7-97.

Synopsis: Medical marijuana. Establishes a medical marijuana program and permits caregivers and patients who have received a physician recommendation to possess a certain quantity of marijuana for treatment. Creates the department of marijuana enforcement (DOME) to oversee the program, and creates the DOME advisory committee to review the effectiveness of the program and to consider recommendations from DOME. Authorizes DOME to grant research licenses to research facilities with a physical presence in Indiana. Repeals the controlled substance excise tax and the marijuana eradication program. Makes conforming amendments.

Effective: July 1, 2015.

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January 8, 2015, read first time and referred to Committee on Health & Provider Services.



First Regular Session 119th General Assembly (2015)

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 BILL No. 284

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 2-5-39 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]:
4 **Chapter 39. DOME Advisory Committee**
5 **Sec. 1. The following definitions apply throughout this chapter:**
6 (1) "Committee" means the DOME advisory committee
7 established by section 2 of this chapter.
8 (2) "DOME" means the department of marijuana
9 enforcement established by IC 7.1-8-2-1.
10 **Sec. 2. The DOME advisory committee is established.**
11 **Sec. 3. (a) The committee consists of four (4) voting members**
12 **and five (5) nonvoting members:**
13 (1) One (1) legislative member appointed by the speaker of the
14 house of representatives.
15 (2) One (1) legislative member appointed by the minority
16 leader of the house of representatives.



- 1 **(3) One (1) legislative member appointed by the president pro**
 2 **tempore of the senate.**
- 3 **(4) One (1) legislative member appointed by the minority**
 4 **leader of the senate.**
- 5 **(5) One (1) representative of law enforcement, appointed by**
 6 **the speaker of the house of representatives as a nonvoting**
 7 **member.**
- 8 **(6) One (1) person having experience in the treatment of**
 9 **medical conditions by means of medical marijuana as a**
 10 **patient, physician, or caregiver, appointed by the president**
 11 **pro tempore of the senate as a nonvoting member.**
- 12 **(7) The commissioner of the department of revenue or the**
 13 **commissioner's designee, who serves as a nonvoting member.**
- 14 **(8) The director of the department of agriculture or the**
 15 **director's designee, who serves as a nonvoting member.**
- 16 **(9) The state health commissioner or the commissioner's**
 17 **designee, who serves as a nonvoting member.**
- 18 **(b) The chairperson of the legislative council shall annually**
 19 **select one (1) of the voting members to serve as chairperson.**
- 20 **Sec. 4. (a) A legislative member of the committee may be**
 21 **removed at any time by the appointing authority who appointed**
 22 **the legislative member.**
- 23 **(b) If a vacancy exists on the committee, the appointing**
 24 **authority who appointed the former member whose position has**
 25 **become vacant shall appoint an individual to fill the vacancy.**
- 26 **Sec. 5. Each member of the committee is entitled to receive the**
 27 **same per diem, mileage, and travel allowances paid to individuals**
 28 **who serve as legislative and lay members, respectively, of interim**
 29 **study committees established by the legislative council.**
- 30 **Sec. 6. The affirmative votes of a majority of the voting**
 31 **members appointed to the commission are required for the**
 32 **committee to take action on any measure, including final reports.**
- 33 **Sec. 7. The committee shall do the following:**
- 34 **(1) Review rules adopted by DOME.**
- 35 **(2) Review legislative proposals suggested by DOME.**
- 36 **(3) Evaluate the marijuana research and development**
 37 **program.**
- 38 **(4) Evaluate the operation of the medical marijuana program.**
- 39 **(5) Consider any other matter which has bearing on the**
 40 **operation of the medical marijuana program.**
- 41 **SECTION 2. IC 5-2-8-5 IS AMENDED TO READ AS FOLLOWS**
 42 **[EFFECTIVE JULY 1, 2015]: Sec. 5. (a) There is established the state**



1 police training fund. The fund consists of amounts collected under
 2 ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and
 3 ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on behalf of the state police
 4 department.

5 (b) If the state police department files a claim under IC 33-37-8-4
 6 or IC 33-37-8-6 against a city or town user fee fund or a county user fee
 7 fund, the fiscal officer of the city or town or the county auditor shall
 8 deposit fees collected under the cause numbers submitted by the state
 9 police department into the state police training fund established under
 10 this section.

11 (c) Claims against the state police training fund must be submitted
 12 in accordance with IC 5-11-10.

13 (d) Money in excess of one hundred dollars (\$100) that is
 14 unencumbered and remains in the state police training fund for at least
 15 one (1) entire calendar year from the date of its deposit shall, at the end
 16 of the state's fiscal year, be deposited in the law enforcement training
 17 fund established under IC 5-2-1-13(b).

18 (e) As used in this subsection, "abuse" has the meaning set forth in
 19 section 1(a) of this chapter. As a part of the state police department's
 20 in-service training, the department shall provide to each law
 21 enforcement officer employed by the department continuing education
 22 concerning the following:

- 23 (1) Duties of a law enforcement officer in enforcing restraining
 24 orders, protective orders, temporary injunctions, and permanent
 25 injunctions involving abuse.
- 26 (2) Guidelines for making felony and misdemeanor arrests in
 27 cases involving abuse.
- 28 (3) Techniques for handling incidents of abuse that:
 - 29 (A) minimize the likelihood of injury to the law enforcement
 30 officer; and
 - 31 (B) promote the safety of a victim.
- 32 (4) Information about the nature and extent of the abuse.
- 33 (5) Information about the legal rights of and remedies available
 34 to victims of abuse.
- 35 (6) How to document and collect evidence in an abuse case.
- 36 (7) The legal consequences of abuse.
- 37 (8) The impact on children of law enforcement intervention in
 38 abuse cases.
- 39 (9) Services and facilities available to victims of abuse and
 40 abusers.
- 41 (10) Verification of restraining orders, protective orders,
 42 temporary injunctions, and permanent injunctions.



- 1 (11) Policies concerning arrest or release of suspects in abuse
 2 cases.
 3 (12) Emergency assistance to victims of abuse and criminal
 4 justice options for victims of abuse.
 5 (13) Landlord-tenant concerns in abuse cases.
 6 (14) The taking of an abused child into protective custody.
 7 (15) Assessment of a situation in which a child may be seriously
 8 endangered if the child is left in the child's home.
 9 (16) Assessment of a situation involving an endangered adult (as
 10 defined in IC 12-10-3-2).
 11 (17) Response to a sudden, unexpected infant death.

12 The cost of providing continuing education under this subsection shall
 13 be paid from money in the state police training fund.

14 SECTION 3. IC 5-2-8-7 IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) There is established the
 16 conservation officers training fund. The department of natural
 17 resources shall administer the fund. The fund consists of amounts
 18 collected under ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**,
 19 IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on
 20 behalf of the department of natural resources.

21 (b) If the department of natural resources files a claim under
 22 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a
 23 county user fee fund, the fiscal officer of the city or town or the county
 24 auditor shall deposit fees collected under the cause numbers submitted
 25 by the department of natural resources into the conservation officers
 26 training fund established under this section.

27 (c) Claims against the conservation officers training fund must be
 28 submitted in accordance with IC 5-11-10.

29 (d) Money in excess of one hundred dollars (\$100) that is
 30 unencumbered and remains in the conservation officers' training fund
 31 for at least one (1) entire calendar year from the date of its deposit
 32 shall, at the end of the state's fiscal year, be deposited in the law
 33 enforcement training fund established under IC 5-2-1-13(b).

34 SECTION 4. IC 5-2-8-8 IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) There is established the
 36 alcoholic beverage enforcement officers' training fund. The alcohol and
 37 tobacco commission shall administer the fund. The fund consists of
 38 amounts collected under ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**,
 39 IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on
 40 behalf of the alcohol and tobacco commission.

41 (b) If the alcohol and tobacco commission files a claim under
 42 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a



1 county user fee fund, the fiscal officer of the city or town or the county
2 auditor shall deposit fees collected under the cause numbers submitted
3 by the alcohol and tobacco commission into the alcoholic beverage
4 enforcement officers' training fund established under this section.

5 (c) Claims against the alcoholic beverage enforcement officers'
6 training fund must be submitted in accordance with IC 5-11-10.

7 (d) Money in excess of one hundred dollars (\$100) that is
8 unencumbered and remains in the alcoholic beverage enforcement
9 officers' training fund for at least one (1) entire calendar year from the
10 date of its deposit shall, at the end of the state's fiscal year, be deposited
11 in the law enforcement training fund established under IC 5-2-1-13(b).

12 SECTION 5. IC 6-7-3 IS REPEALED [EFFECTIVE JULY 1, 2015].
13 (Controlled Substance Excise Tax).

14 SECTION 6. IC 7.1-7 IS ADDED TO THE INDIANA CODE AS A
15 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
16 2015]:

17 **ARTICLE 7. MEDICAL MARIJUANA**

18 **Chapter 1. Definitions**

19 **Sec. 1. The following definitions apply throughout this article:**

20 (1) "Adequate supply for treatment" means the amount of
21 marijuana necessary to provide care for a treatable medical
22 condition for a thirty (30) day period, as determined by a
23 physician recommendation.

24 (2) "DOME" means the department of marijuana
25 enforcement established under IC 7.1-8-2-1.

26 (3) "Marijuana" means any part of the plant genus *Cannabis*.

27 (4) "Medical marijuana card" means a valid card issued by
28 DOME that authorizes the person to whom the card is issued
29 to possess marijuana.

30 (5) "Physician" means a person holding an unlimited license
31 to practice medicine in Indiana.

32 (6) "Physician recommendation" means a written
33 recommendation that the use of marijuana may benefit a
34 particular patient suffering from a treatable medical
35 condition. A physician recommendation may establish an
36 adequate supply for treatment.

37 (7) "Qualified patient" means a person who has been issued
38 a medical marijuana card by DOME.

39 (8) "Qualified primary caregiver" means the primary
40 caregiver for a qualified patient who has been issued a
41 medical marijuana card by DOME on behalf of the qualified
42 patient.



1 (9) "Qualified researcher" means a person listed on a valid
2 marijuana research license issued by DOME.

3 (10) "Treatable medical condition" means an illness or other
4 condition whose symptoms (including the side effects and
5 symptoms caused by any other treatment for the condition)
6 may be treated by the use of marijuana. The term includes the
7 following:

8 (A) Acquired immune deficiency syndrome (AIDS) or
9 positive status for the human immunodeficiency virus
10 (HIV).

11 (B) Anorexia.

12 (C) Arthritis.

13 (D) Cachexia.

14 (E) Cancer chronic pain.

15 (F) Glaucoma.

16 (G) Migraine.

17 (H) Persistent muscle spasms, including spasms associated
18 with multiple sclerosis, Crohn's disease, or related
19 conditions.

20 (I) Seizures, including those characteristic of epilepsy.

21 (J) Severe nausea.

22 (K) Post traumatic stress disorder.

23 (L) Any other illness or condition determined by DOME to
24 be a treatable medical condition.

25 (M) Any persistent or chronic illness or condition that, in
26 the opinion of a physician:

27 (i) substantially limits the ability of a person to conduct
28 one (1) or more major life activities; or

29 (ii) may cause serious harm to the patient's safety or
30 mental or physical health if not alleviated;

31 if the illness or condition may be improved by the use of
32 marijuana.

33 **Chapter 2. Qualified Patients and Qualified Caregivers**

34 **Sec. 1. (a) A person may apply to DOME to be a qualified**
35 **patient or qualified primary caregiver if the person or person for**
36 **whom the person provides care suffers from a treatable medical**
37 **condition.**

38 **(b) To be approved as a qualified patient or qualified primary**
39 **caregiver, a person must submit to DOME a physician**
40 **recommendation stating that the person has a treatable medical**
41 **condition.**

42 **(c) DOME shall issue a person a medical marijuana card**



1 indicating the person is a qualified patient or qualified primary
2 caregiver after:

3 (1) receipt of:

4 (A) a completed application; and

5 (B) a physician recommendation;

6 (2) verification that the physician is a licensed physician; and

7 (3) compliance with any other rule adopted by DOME.

8 (d) An application for a medical marijuana card may be denied
9 for the following reasons:

10 (1) The application is not complete or required information is
11 missing.

12 (2) The applicant submits false information.

13 (3) The applicant does not meet the criteria required to obtain
14 a medical marijuana card.

15 (4) The person who tendered the physician recommendation
16 is not a licensed physician.

17 (e) A medical marijuana card issued under this section is valid
18 for two (2) years, unless the physician recommendation expressly
19 recommends a shorter time period.

20 (f) DOME may charge a reasonable fee, not to exceed one
21 hundred dollars (\$100), to apply for a medical marijuana card. The
22 fee shall be deposited in the state general fund.

23 (g) Except as provided in subsection (h), for purposes of
24 IC 5-14-3-4(a)(1), the following information is confidential, may
25 not be published, and is not open to public inspection:

26 (1) Information submitted by a person under this section to
27 obtain a medical marijuana card.

28 (2) Information obtained by a federal, state, or local
29 government entity in the course of an investigation concerning
30 a person who applies to obtain a medical marijuana card.

31 (3) The name, address, and any other information that may be
32 used to identify a person who holds a medical marijuana card.

33 (h) Notwithstanding subsection (g):

34 (1) any information concerning a person who applies for or a
35 person who holds a medical marijuana card may be released
36 to a federal, state, or local government entity:

37 (A) for law enforcement purposes; or

38 (B) to determine the validity of a medical marijuana card;
39 and

40 (2) general information concerning the issuance of a medical
41 marijuana card in Indiana may be released to a person
42 conducting journalistic or academic research (including the



1 research program described in IC 7.1-8-4-5), but only if all
 2 personal information that could disclose the identity of any
 3 person who applies for or holds a medical marijuana card
 4 issued under this chapter has been removed from the general
 5 information.

6 (i) A person who knowingly or intentionally violates this section
 7 by releasing confidential information commits a disclosure of
 8 confidential medical information, a Class B misdemeanor.

9 (j) A person who knowingly makes a material misstatement in
 10 an application for a medical marijuana card under this section
 11 commits fraudulent application for a medical marijuana card, a
 12 Class B misdemeanor.

13 **Sec. 2. A qualified patient or qualified primary caregiver may:**

14 (1) possess the greater of:

15 (A) eight (8) ounces or less of dried marijuana; or

16 (B) an adequate supply for treatment; and

17 (2) possess, grow, or cultivate not more than twelve (12)
 18 marijuana plants.

19 **Sec. 3. (a) A qualified primary caregiver may deliver to, or**
 20 **possess with intent to deliver to, a qualified patient for whom the**
 21 **caregiver is the primary caregiver:**

22 (1) the greater of:

23 (A) eight (8) ounces or less of dried marijuana; or

24 (B) an adequate supply for treatment; and

25 (2) not more than twelve (12) marijuana plants.

26 (b) A qualified primary caregiver may possess, grow, or
 27 cultivate not more than twelve (12) marijuana plants for use by a
 28 qualified patient for whom the person is the primary caregiver.

29 **Sec. 4. The medical licensing board may not take an adverse**
 30 **action against a physician who makes a physician recommendation**
 31 **in good faith under this article solely on the basis of the physician**
 32 **recommendation.**

33 SECTION 7. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A
 34 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 35 2015]:

36 **ARTICLE 8. DEPARTMENT OF MARIJUANA**
 37 **ENFORCEMENT**

38 **Chapter 1. Definitions**

39 **Sec. 1. The definitions in IC 7.1-7-1-1 apply throughout this**
 40 **article.**

41 **Chapter 2. General Provisions**

42 **Sec. 1. The department of marijuana enforcement (DOME) is**



1 established as an agency of the state for purposes of administering
2 the medical marijuana program.

3 **Sec. 2. DOME is composed of four (4) commissioners who meet**
4 **the qualifications described in section 4 of this chapter.**

5 **Sec. 3. (a) DOME commissioners shall be appointed by the**
6 **governor.**

7 (b) A commissioner is eligible for reappointment.

8 (c) Not more than two (2) commissioners may belong to the
9 same political party.

10 (d) A commissioner shall be appointed to a four (4) year term.

11 (e) A commissioner serves the commissioner's term at the
12 pleasure of the governor.

13 **Sec. 4. To be eligible for appointment as a commissioner, a**
14 **person must possess the following qualifications:**

15 (1) The person may not be employed by the state in any other
16 capacity.

17 (2) The person must have a good moral character.

18 (3) The person must have been a resident of Indiana for at
19 least ten (10) years immediately preceding the person's
20 appointment.

21 **Sec. 5. The governor shall appoint one (1) commissioner to serve**
22 **as chairperson of DOME, and another commissioner to serve as**
23 **vice chairperson. The vice chairperson shall act as the chairperson**
24 **if the chairperson is absent.**

25 **Sec. 6. A person appointed to fill a vacancy in the membership**
26 **of DOME shall serve only for the unexpired portion of the original,**
27 **vacated term. In all other respects, an appointment to fill a**
28 **vacancy shall be made in the same manner that an original**
29 **appointment is made.**

30 **Sec. 7. As compensation for services, each commissioner is**
31 **entitled to the minimum salary per diem provided by**
32 **IC 4-10-11-2.1(b). The commissioner is also entitled to**
33 **reimbursement for traveling expenses as provided under**
34 **IC 4-13-1-4 and other expenses actually incurred in connection**
35 **with the commissioner's duties as provided in the state policies and**
36 **procedures established by the Indiana department of**
37 **administration and approved by the budget agency.**

38 **Sec. 8. Each commissioner shall execute:**

39 (1) a surety bond in the amount of ten thousand dollars
40 (\$10,000), with surety approved by the governor; and

41 (2) an oath of office.

42 The surety bond and the oath of office shall be filed in the office of



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the secretary of state.

Sec. 9. The required surety bond executed and filed on behalf of a commissioner shall be made payable to the state of Indiana and conditioned upon the faithful discharge of the commissioner's duties.

Sec. 10. DOME shall hold meetings at the call of the chairperson. DOME may establish rules governing meetings.

Sec. 11. (a) Three (3) members of DOME constitute a quorum for the transaction of business.

(b) Each commissioner has one (1) vote.

(c) Action of DOME may be taken only upon the affirmative votes of at least two (2) commissioners. If a vote of the commission is a tie, the position for which the chairperson voted prevails, as long as that position has received the affirmative votes of at least two (2) commissioners.

Sec. 12. A commissioner may not solicit or accept a political contribution from a qualified patient, qualified primary caregiver, or from any person or entity that has a permit or has applied for a permit issued by the commission. However, the right of a commissioner to vote as the commissioner chooses and to express the commissioner's opinions on political subjects and candidates may not be impaired.

Chapter 3. Employees and Administration

Sec. 1. (a) DOME shall appoint an executive director to aid DOME in the efficient administration of its powers and duties.

(b) DOME shall fix the salary of the executive director, subject to the approval of the budget agency.

Sec. 2. DOME shall have the power to employ all necessary employees, to determine their duties, and, subject to the approval of the budget agency, to fix their salaries.

Chapter 4. Powers and Duties

Sec. 1. The chairperson shall be the presiding officer at the meetings of the commission. The chairperson, together with the executive director, shall prepare, certify, and authenticate all proceedings, minutes, records, rules, and regulations of the commission. The chairman also shall perform all other duties as imposed by this title.

Sec. 2. DOME has the power to organize its work, to enforce and administer the provisions of this article and IC 7.1-7, and to enforce and administer the rules adopted by DOME.

Sec. 3. DOME shall adopt rules under IC 4-22-2 to prescribe the forms for all applications, documents, permits, and licenses used in



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the administration of this article and IC 7.1-7.

Sec. 4. DOME has the following powers:

- (1) To hold hearings before DOME or its representative.
- (2) To take testimony and receive evidence.
- (3) To conduct inquiries with or without a hearing.
- (4) To receive reports of investigators or other governmental officers and employees.
- (5) To administer oaths.
- (6) To subpoena witnesses and to compel them to appear and testify.
- (7) To certify copies of records of the commission or any other document or record on file with the commission.
- (8) To fix the form, mode, manner, time, and number of times for the posting or publication of any required notices if not otherwise provided.
- (9) To adopt rules under IC 4-22-2 to carry out this article and IC 7.1-7.

Sec. 5. DOME has the following duties:

- (1) To establish the medical marijuana program described in IC 7.1-7 and to adopt all necessary rules to implement the program.
- (2) To implement protocols for the issuance of the medical marijuana card (as defined in IC 7.1-7-1-1), including protocols to:
 - (A) prevent fraud;
 - (B) ensure the accuracy of information contained in the application; and
 - (C) protect the privacy of an applicant.
- (3) To advise the general assembly concerning the establishment of a program for the:
 - (A) manufacture;
 - (B) cultivation;
 - (C) transportation; and
 - (D) dispensing;
 of medical marijuana.
- (4) To encourage research concerning medical marijuana as described in IC 7.1-8-5.

Chapter 5. Research and Development

Sec. 1. To permit and encourage research concerning medical marijuana:

- (1) an accredited institution of higher learning with a physical presence in Indiana; and



1 **(2) a pharmaceutical or agricultural business having a**
 2 **research facility in Indiana;**
 3 **may apply for a license to conduct research concerning medical**
 4 **marijuana.**

5 **Sec. 2. An application under this chapter must include the**
 6 **following:**

- 7 **(1) The nature of the research project.**
 8 **(2) The names of the persons who will conduct the research.**
 9 **(3) The approximate quantity of marijuana that will be used.**
 10 **(4) The security protocol to ensure that marijuana is not**
 11 **diverted.**
 12 **(5) Any other information required by DOME.**

13 **Sec. 3. Upon receipt of a completed application, DOME may**
 14 **issue a research license to the institution or business. The research**
 15 **license must specifically list the names of every person who will**
 16 **have custody or control of marijuana for research purposes.**

17 **Sec. 4. DOME may charge a reasonable fee for issuance of a**
 18 **research license.**

19 SECTION 8. IC 15-16-7-8 IS REPEALED [EFFECTIVE JULY 1,
 20 2015]. ~~Sec. 8. In addition to the weed control board's powers and duties~~
 21 ~~under section 7 of this chapter, the weed control board may establish~~
 22 ~~a marijuana eradication program to eliminate and destroy wild~~
 23 ~~marijuana plants within the county. The program is funded by amounts~~
 24 ~~appropriated by the county:~~

- 25 ~~(1) under IC 33-37-8; and~~
 26 ~~(2) from the county general fund.~~

27 SECTION 9. IC 33-37-4-1, AS AMENDED BY P.L.182-2009(ss),
 28 SECTION 392, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) For each action that results in
 30 a felony conviction under IC 35-50-2 or a misdemeanor conviction
 31 under IC 35-50-3, the clerk shall collect from the defendant a criminal
 32 costs fee of one hundred twenty dollars (\$120).

33 (b) In addition to the criminal costs fee collected under this section,
 34 the clerk shall collect from the defendant the following fees if they are
 35 required under IC 33-37-5:

- 36 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 37 IC 33-37-5-4).
 38 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~
 39 ~~(3)~~ **(2)** An alcohol and drug services program user fee
 40 (IC 33-37-5-8(b)).
 41 ~~(4)~~ **(3)** A law enforcement continuing education program fee
 42 (IC 33-37-5-8(c)).



- 1 ~~(5)~~ **(4)** A drug abuse, prosecution, interdiction, and correction fee
2 (IC 33-37-5-9).
3 ~~(6)~~ **(5)** An alcohol and drug countermeasures fee (IC 33-37-5-10).
4 ~~(7)~~ **(6)** A child abuse prevention fee (IC 33-37-5-12).
5 ~~(8)~~ **(7)** A domestic violence prevention and treatment fee
6 (IC 33-37-5-13).
7 ~~(9)~~ **(8)** A highway work zone fee (IC 33-37-5-14).
8 ~~(10)~~ **(9)** A deferred prosecution fee (IC 33-37-5-17).
9 ~~(11)~~ **(10)** A document storage fee (IC 33-37-5-20).
10 ~~(12)~~ **(11)** An automated record keeping fee (IC 33-37-5-21).
11 ~~(13)~~ **(12)** A late payment fee (IC 33-37-5-22).
12 ~~(14)~~ **(13)** A sexual assault victims assistance fee (IC 33-37-5-23).
13 ~~(15)~~ **(14)** A public defense administration fee (IC 33-37-5-21.2).
14 ~~(16)~~ **(15)** A judicial insurance adjustment fee (IC 33-37-5-25).
15 ~~(17)~~ **(16)** A judicial salaries fee (IC 33-37-5-26).
16 ~~(18)~~ **(17)** A court administration fee (IC 33-37-5-27).
17 ~~(19)~~ **(18)** A DNA sample processing fee (IC 33-37-5-26.2).
18 (c) Instead of the criminal costs fee prescribed by this section,
19 except for the automated record keeping fee (IC 33-37-5-21), the clerk
20 shall collect a pretrial diversion program fee if an agreement between
21 the prosecuting attorney and the accused person entered into under
22 IC 33-39-1-8 requires payment of those fees by the accused person.
23 The pretrial diversion program fee is:
24 (1) an initial user's fee of fifty dollars (\$50); and
25 (2) a monthly user's fee of ten dollars (\$10) for each month that
26 the person remains in the pretrial diversion program.
27 (d) The clerk shall transfer to the county auditor or city or town
28 fiscal officer the following fees, not later than thirty (30) days after the
29 fees are collected:
30 (1) The pretrial diversion fee.
31 ~~(2) The marijuana eradication program fee.~~
32 ~~(3)~~ **(2)** The alcohol and drug services program user fee.
33 ~~(4)~~ **(3)** The law enforcement continuing education program fee.
34 The auditor or fiscal officer shall deposit fees transferred under this
35 subsection in the appropriate user fee fund established under
36 IC 33-37-8.
37 (e) Unless otherwise directed by a court, if a clerk collects only part
38 of a criminal costs fee from a defendant under this section, the clerk
39 shall distribute the partial payment of the criminal costs fee as follows:
40 (1) The clerk shall apply the partial payment to general court
41 costs.
42 (2) If there is money remaining after the partial payment is



1 applied to general court costs under subdivision (1), the clerk
 2 shall distribute the remainder of the partial payment for deposit in
 3 the appropriate county user fee fund.
 4 (3) If there is money remaining after distribution under
 5 subdivision (2), the clerk shall distribute the remainder of the
 6 partial payment for deposit in the state user fee fund.
 7 (4) If there is money remaining after distribution under
 8 subdivision (3), the clerk shall distribute the remainder of the
 9 partial payment to any other applicable user fee fund.
 10 (5) If there is money remaining after distribution under
 11 subdivision (4), the clerk shall apply the remainder of the partial
 12 payment to any outstanding fines owed by the defendant.
 13 SECTION 10. IC 33-37-4-3, AS AMENDED BY P.L.176-2005,
 14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2015]: Sec. 3. (a) The clerk shall collect a juvenile costs fee
 16 of one hundred twenty dollars (\$120) for each action filed under any of
 17 the following:
 18 (1) IC 31-34 (children in need of services).
 19 (2) IC 31-37 (delinquent children).
 20 (3) IC 31-14 (paternity).
 21 (b) In addition to the juvenile costs fee collected under this section,
 22 the clerk shall collect the following fees, if they are required under
 23 IC 33-37-5:
 24 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 25 IC 33-37-5-4).
 26 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~
 27 ~~(3)~~ **(2)** An alcohol and drug services program user fee
 28 (IC 33-37-5-8(b)).
 29 ~~(4)~~ **(3)** A law enforcement continuing education program fee
 30 (IC 33-37-5-8(c)).
 31 ~~(5)~~ **(4)** An alcohol and drug countermeasures fee (IC 33-37-5-10).
 32 ~~(6)~~ **(5)** A document storage fee (IC 33-37-5-20).
 33 ~~(7)~~ **(6)** An automated record keeping fee (IC 33-37-5-21).
 34 ~~(8)~~ **(7)** A late payment fee (IC 33-37-5-22).
 35 ~~(9)~~ **(8)** A public defense administration fee (IC 33-37-5-21.2).
 36 ~~(10)~~ **(9)** A judicial insurance adjustment fee (IC 33-37-5-25).
 37 ~~(11)~~ **(10)** A judicial salaries fee (IC 33-37-5-26).
 38 ~~(12)~~ **(11)** A court administration fee (IC 33-37-5-27).
 39 ~~(13)~~ **(12)** A DNA sample processing fee (IC 33-37-5-26.2).
 40 (c) The clerk shall transfer to the county auditor or city or town
 41 fiscal officer the following fees not later than thirty (30) days after they
 42 are collected:



- 1 ~~(1) The marijuana eradication program fee (IC 33-37-5-7).~~
 2 ~~(2) (1) The alcohol and drug services program user fee~~
 3 ~~(IC 33-37-5-8(b)).~~
 4 ~~(3) (2) The law enforcement continuing education program fee~~
 5 ~~(IC 33-37-5-8(c)).~~
 6 The auditor or fiscal officer shall deposit the fees in the appropriate
 7 user fee fund established under IC 33-37-8.
 8 SECTION 11. IC 33-37-5-7 IS REPEALED [EFFECTIVE JULY 1,
 9 2015]. ~~Sec. 7: (a) This section applies to criminal actions.~~
 10 ~~(b) The clerk shall collect the marijuana eradication program fee set~~
 11 ~~by the court under IC 15-16-7-8, if:~~
 12 ~~(1) a weed control board has been established in the county under~~
 13 ~~IC 15-16-7-3; and~~
 14 ~~(2) the person has been convicted of an offense under IC 35-48-4~~
 15 ~~in a case prosecuted in that county.~~
 16 ~~(c) The court may set a fee under this section of not more than three~~
 17 ~~hundred dollars (\$300).~~
 18 SECTION 12. IC 33-37-7-2, AS AMENDED BY P.L.284-2013,
 19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 2. (a) The clerk of a circuit court shall distribute
 21 semiannually to the auditor of state as the state share for deposit in the
 22 homeowner protection unit account established by IC 4-6-12-9 one
 23 hundred percent (100%) of the automated record keeping fees collected
 24 under IC 33-37-5-21 with respect to actions resulting in the accused
 25 person entering into a pretrial diversion program agreement under
 26 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and
 27 for deposit in the state general fund seventy percent (70%) of the
 28 amount of fees collected under the following:
 29 (1) IC 33-37-4-1(a) (criminal costs fees).
 30 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 31 (3) IC 33-37-4-3(a) (juvenile costs fees).
 32 (4) IC 33-37-4-4(a) (civil costs fees).
 33 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 34 (6) IC 33-37-4-7(a) (probate costs fees).
 35 (7) IC 33-37-5-17 (deferred prosecution fees).
 36 (b) The clerk of a circuit court shall distribute semiannually to the
 37 auditor of state for deposit in the state user fee fund established in
 38 IC 33-37-9-2 the following:
 39 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 40 interdiction, and correction fees collected under
 41 ~~IC 33-37-4-1(b)(5).~~ **IC 33-37-4-1(b).**
 42 (2) Twenty-five percent (25%) of the alcohol and drug



- 1 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
 2 **IC 33-37-4-1(b)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
 3 **IC 33-37-4-3(b)**.
 4 (3) One hundred percent (100%) of the child abuse prevention
 5 fees collected under ~~IC 33-37-4-1(b)(7)~~: **IC 33-37-4-1(b)**.
 6 (4) One hundred percent (100%) of the domestic violence
 7 prevention and treatment fees collected under ~~IC 33-37-4-1(b)(8)~~
 8 **IC 33-37-4-1(b)**.
 9 (5) One hundred percent (100%) of the highway work zone fees
 10 collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)** and
 11 IC 33-37-4-2(b)(5).
 12 (6) One hundred percent (100%) of the safe schools fee collected
 13 under IC 33-37-5-18.
 14 (7) The following:
 15 (A) For a county operating under the state's automated judicial
 16 system, one hundred percent (100%) of the automated record
 17 keeping fee (IC 33-37-5-21) not distributed under subsection
 18 (a).
 19 (B) This clause applies before July 1, 2013, and after June 30,
 20 2015. For a county not operating under the state's automated
 21 judicial system, eighty percent (80%) of the automated record
 22 keeping fee (IC 33-37-5-21) not distributed under subsection
 23 (a).
 24 (C) This clause applies after June 30, 2013, and before July 1,
 25 2015. For a county not operating under the state's automated
 26 judicial system, five dollars (\$5) of the automated record
 27 keeping fee (IC 33-37-5-21) not distributed under subsection
 28 (a).
 29 (c) The clerk of a circuit court shall distribute monthly to the county
 30 auditor the following:
 31 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 32 interdiction, and correction fees collected under
 33 ~~IC 33-37-4-1(b)(5)~~: **IC 33-37-4-1(b)**.
 34 (2) Seventy-five percent (75%) of the alcohol and drug
 35 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
 36 **IC 33-37-4-1(b)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
 37 **IC 33-37-4-3(b)**.
 38 The county auditor shall deposit fees distributed by a clerk under this
 39 subsection into the county drug free community fund established under
 40 IC 5-2-11.
 41 (d) The clerk of a circuit court shall distribute monthly to the county
 42 auditor one hundred percent (100%) of the late payment fees collected



1 under IC 33-37-5-22. The county auditor shall deposit fees distributed
2 by a clerk under this subsection as follows:

3 (1) If directed to do so by an ordinance adopted by the county
4 fiscal body, the county auditor shall deposit forty percent (40%)
5 of the fees in the clerk's record perpetuation fund established
6 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
7 county general fund.

8 (2) If the county fiscal body has not adopted an ordinance
9 described in subdivision (1), the county auditor shall deposit all
10 the fees in the county general fund.

11 (e) The clerk of the circuit court shall distribute semiannually to the
12 auditor of state for deposit in the sexual assault victims assistance
13 account established by IC 5-2-6-23(h) one hundred percent (100%) of
14 the sexual assault victims assistance fees collected under
15 IC 33-37-5-23.

16 (f) The clerk of a circuit court shall distribute monthly to the county
17 auditor the following:

18 (1) One hundred percent (100%) of the support and maintenance
19 fees for cases designated as non-Title IV-D child support cases in
20 the Indiana support enforcement tracking system (ISETS) or the
21 successor statewide automated support enforcement system
22 collected under IC 33-37-5-6.

23 (2) The percentage share of the support and maintenance fees for
24 cases designated as Title IV-D child support cases in ISETS or the
25 successor statewide automated support enforcement system
26 collected under IC 33-37-5-6 that is reimbursable to the county at
27 the federal financial participation rate.

28 The county clerk shall distribute monthly to the department of child
29 services the percentage share of the support and maintenance fees for
30 cases designated as Title IV-D child support cases in ISETS, or the
31 successor statewide automated support enforcement system, collected
32 under IC 33-37-5-6 that is not reimbursable to the county at the
33 applicable federal financial participation rate.

34 (g) The clerk of a circuit court shall distribute monthly to the county
35 auditor the following:

36 (1) One hundred percent (100%) of the small claims service fee
37 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
38 the county general fund.

39 (2) One hundred percent (100%) of the small claims garnishee
40 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
41 deposit in the county general fund.

42 (h) This subsection does not apply to court administration fees



1 collected in small claims actions filed in a court described in IC 33-34.
 2 The clerk of a circuit court shall semiannually distribute to the auditor
 3 of state for deposit in the state general fund one hundred percent
 4 (100%) of the following:

5 (1) The public defense administration fee collected under
 6 IC 33-37-5-21.2.

7 (2) The judicial salaries fees collected under IC 33-37-5-26.

8 (3) The DNA sample processing fees collected under
 9 IC 33-37-5-26.2.

10 (4) The court administration fees collected under IC 33-37-5-27.

11 (i) The clerk of a circuit court shall semiannually distribute to the
 12 auditor of state for deposit in the judicial branch insurance adjustment
 13 account established by IC 33-38-5-8.2 one hundred percent (100%) of
 14 the judicial insurance adjustment fee collected under IC 33-37-5-25.

15 (j) The proceeds of the service fee collected under
 16 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
 17 follows:

18 (1) The clerk shall distribute one hundred percent (100%) of the
 19 service fees collected in a circuit, superior, county, or probate
 20 court to the county auditor for deposit in the county general fund.

21 (2) The clerk shall distribute one hundred percent (100%) of the
 22 service fees collected in a city or town court to the city or town
 23 fiscal officer for deposit in the city or town general fund.

24 (k) The proceeds of the garnishee service fee collected under
 25 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
 26 follows:

27 (1) The clerk shall distribute one hundred percent (100%) of the
 28 garnishee service fees collected in a circuit, superior, county, or
 29 probate court to the county auditor for deposit in the county
 30 general fund.

31 (2) The clerk shall distribute one hundred percent (100%) of the
 32 garnishee service fees collected in a city or town court to the city
 33 or town fiscal officer for deposit in the city or town general fund.

34 (l) The clerk of the circuit court shall distribute semiannually to the
 35 auditor of state for deposit in the home ownership education account
 36 established by IC 5-20-1-27 one hundred percent (100%) of the
 37 following:

38 (1) The mortgage foreclosure counseling and education fees
 39 collected under IC 33-37-5-32 (before its expiration on January
 40 1, 2015).

41 (2) Any civil penalties imposed and collected by a court for a
 42 violation of a court order in a foreclosure action under



1 IC 32-30-10.5.

2 (m) This subsection applies to a county that is not operating under
3 the state's automated judicial system. The clerk of a circuit court shall
4 distribute monthly to the county auditor the following part of the
5 automated record keeping fee (IC 33-37-5-21) not distributed under
6 subsection (a) for deposit in the clerk's record perpetuation fund:

7 (1) Twenty percent (20%), before July 1, 2013, and after June 30,
8 2015.

9 (2) Two dollars (\$2) of each fee collected, after June 30, 2013,
10 and before July 1, 2015.

11 (n) The clerk of a circuit court shall distribute semiannually to the
12 auditor of state one hundred percent (100%) of the pro bono legal
13 services fees collected before July 1, 2017, under IC 33-37-5-31. The
14 auditor of state shall transfer semiannually the pro bono legal services
15 fees to the Indiana Bar Foundation (or a successor entity) as the entity
16 designated to organize and administer the interest on lawyers trust
17 accounts (IOLTA) program under Rule 1.15 of the Rules of
18 Professional Conduct of the Indiana supreme court. The Indiana Bar
19 Foundation shall:

20 (1) deposit in an appropriate account and otherwise manage the
21 fees the Indiana Bar Foundation receives under this subsection in
22 the same manner the Indiana Bar Foundation deposits and
23 manages the net earnings the Indiana Bar Foundation receives
24 from IOLTA accounts; and

25 (2) use the fees the Indiana Bar Foundation receives under this
26 subsection to assist or establish approved pro bono legal services
27 programs.

28 The handling and expenditure of the pro bono legal services fees
29 received under this section by the Indiana Bar Foundation (or its
30 successor entity) are subject to audit by the state board of accounts. The
31 amounts necessary to make the transfers required by this subsection are
32 appropriated from the state general fund.

33 SECTION 13. IC 33-37-7-8, AS AMENDED BY P.L.136-2012,
34 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2015]: Sec. 8. (a) The clerk of a city or town court shall
36 distribute semiannually to the auditor of state as the state share for
37 deposit in the homeowner protection unit account established by
38 IC 4-6-12-9 one hundred percent (100%) of the automated record
39 keeping fees collected under IC 33-37-5-21 with respect to actions
40 resulting in the accused person entering into a pretrial diversion
41 program agreement under IC 33-39-1-8 or a deferral program
42 agreement under IC 34-28-5-1 and for deposit in the state general fund



- 1 fifty-five percent (55%) of the amount of fees collected under the
 2 following:
- 3 (1) IC 33-37-4-1(a) (criminal costs fees).
 - 4 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 - 5 (3) IC 33-37-4-4(a) (civil costs fees).
 - 6 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 - 7 (5) IC 33-37-5-17 (deferred prosecution fees).
- 8 (b) The city or town fiscal officer shall distribute monthly to the
 9 county auditor as the county share twenty percent (20%) of the amount
 10 of fees collected under the following:
- 11 (1) IC 33-37-4-1(a) (criminal costs fees).
 - 12 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 - 13 (3) IC 33-37-4-4(a) (civil costs fees).
 - 14 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 - 15 (5) IC 33-37-5-17 (deferred prosecution fees).
- 16 (c) The city or town fiscal officer shall retain twenty-five percent
 17 (25%) as the city or town share of the fees collected under the
 18 following:
- 19 (1) IC 33-37-4-1(a) (criminal costs fees).
 - 20 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 - 21 (3) IC 33-37-4-4(a) (civil costs fees).
 - 22 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 - 23 (5) IC 33-37-5-17 (deferred prosecution fees).
- 24 (d) The clerk of a city or town court shall distribute semiannually to
 25 the auditor of state for deposit in the state user fee fund established in
 26 IC 33-37-9 the following:
- 27 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 28 interdiction, and correction fees collected under
 29 ~~IC 33-37-4-1(b)(5)~~ **IC 33-37-4-1(b)**.
 - 30 (2) Twenty-five percent (25%) of the alcohol and drug
 31 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
 32 **IC 33-37-4-1(b)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
 33 **IC 33-37-4-3(b)**.
 - 34 (3) One hundred percent (100%) of the highway work zone fees
 35 collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)** and
 36 IC 33-37-4-2(b)(5).
 - 37 (4) One hundred percent (100%) of the safe schools fee collected
 38 under IC 33-37-5-18.
 - 39 (5) One hundred percent (100%) of the automated record keeping
 40 fee (IC 33-37-5-21) not distributed under subsection (a).
- 41 (e) The clerk of a city or town court shall distribute monthly to the
 42 county auditor the following:



- 1 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 2 interdiction, and corrections fees collected under
 3 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)**.
- 4 (2) Seventy-five percent (75%) of the alcohol and drug
 5 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
 6 **IC 33-37-4-1(b)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
 7 **IC 33-37-4-3(b)**.
- 8 The county auditor shall deposit fees distributed by a clerk under this
 9 subsection into the county drug free community fund established under
 10 IC 5-2-11.
- 11 (f) The clerk of a city or town court shall distribute monthly to the
 12 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
 13 percent (100%) of the following:
- 14 (1) The late payment fees collected under IC 33-37-5-22.
 15 (2) The small claims service fee collected under
 16 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
 17 (3) The small claims garnishee service fee collected under
 18 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).
- 19 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
 20 fees distributed by a clerk under this subsection in the city or town
 21 general fund.
- 22 (g) The clerk of a city or town court shall semiannually distribute to
 23 the auditor of state for deposit in the state general fund one hundred
 24 percent (100%) of the following:
- 25 (1) The public defense administration fee collected under
 26 IC 33-37-5-21.2.
 27 (2) The DNA sample processing fees collected under
 28 IC 33-37-5-26.2.
 29 (3) The court administration fees collected under IC 33-37-5-27.
- 30 (h) The clerk of a city or town court shall semiannually distribute to
 31 the auditor of state for deposit in the judicial branch insurance
 32 adjustment account established by IC 33-38-5-8.2 one hundred percent
 33 (100%) of the judicial insurance adjustment fee collected under
 34 IC 33-37-5-25.
- 35 (i) The clerk of a city or town court shall semiannually distribute to
 36 the auditor of state for deposit in the state general fund seventy-five
 37 percent (75%) of the judicial salaries fee collected under
 38 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
 39 percent (25%) of the judicial salaries fee collected under
 40 IC 33-37-5-26. The funds retained by the city or town shall be
 41 prioritized to fund city or town court operations.
- 42 (j) The clerk of a city or town court shall distribute semiannually to



1 the auditor of state one hundred percent (100%) of the pro bono legal
 2 services fees collected before July 1, 2017, under IC 33-37-5-31. The
 3 auditor of state shall transfer semiannually the pro bono legal services
 4 fees to the Indiana Bar Foundation (or a successor entity) as the entity
 5 designated to organize and administer the interest on lawyers trust
 6 accounts (IOLTA) program under Rule 1.15 of the Rules of
 7 Professional Conduct of the Indiana supreme court. The Indiana Bar
 8 Foundation shall:

9 (1) deposit in an appropriate account and otherwise manage the
 10 fees the Indiana Bar Foundation receives under this subsection in
 11 the same manner the Indiana Bar Foundation deposits and
 12 manages the net earnings the Indiana Bar Foundation receives
 13 from IOLTA accounts; and

14 (2) use the fees the Indiana Bar Foundation receives under this
 15 subsection to assist or establish approved pro bono legal services
 16 programs.

17 The handling and expenditure of the pro bono legal services fees
 18 received under this section by the Indiana Bar Foundation (or its
 19 successor entity) are subject to audit by the state board of accounts. The
 20 amounts necessary to make the transfers required by this subsection are
 21 appropriated from the state general fund.

22 SECTION 14. IC 33-37-8-5, AS AMENDED BY P.L.187-2011,
 23 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2015]: Sec. 5. (a) A county user fee fund is established in each
 25 county to finance various program services. The county fund is
 26 administered by the county auditor.

27 (b) The county fund consists of the following fees collected by a
 28 clerk under this article and by the probation department for the juvenile
 29 court under IC 31-37-9-9:

30 (1) The pretrial diversion program fee.

31 (2) The informal adjustment program fee.

32 ~~(3) The marijuana eradication program fee.~~

33 ~~(4) (3) The alcohol and drug services program fee.~~

34 ~~(5) (4) The law enforcement continuing education program fee.~~

35 ~~(6) (5) The deferral program fee.~~

36 ~~(7) (6) The jury fee.~~

37 ~~(8) (7) The problem solving court fee.~~

38 (c) All of the jury fee and two dollars (\$2) of a deferral program fee
 39 collected under IC 33-37-4-2(e) shall be deposited by the county
 40 auditor in the jury pay fund established under IC 33-37-11.

41 SECTION 15. IC 35-48-4-8.3, AS AMENDED BY P.L.158-2013,
 42 SECTION 635, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2015]: Sec. 8.3. (a) A person who possesses a
 2 raw material, an instrument, a device, or other object that the person
 3 intends to use for:

- 4 (1) introducing into the person's body a controlled substance;
 5 (2) testing the strength, effectiveness, or purity of a controlled
 6 substance; or
 7 (3) enhancing the effect of a controlled substance;

8 in violation of this chapter commits a Class A infraction for possessing
 9 paraphernalia.

10 (b) A person who knowingly or intentionally violates subsection (a)
 11 commits a Class A misdemeanor. However, the offense is a Level 6
 12 felony if the person has a prior unrelated judgment or conviction under
 13 this section.

14 **(c) It is a defense to an action or prosecution under this section**
 15 **that:**

16 **(1) the person who possesses the raw material, instrument,**
 17 **device, or other object is a:**

18 **(A) qualified patient (as defined in IC 7.1-7-1-1) or**
 19 **qualified primary caregiver (as defined in IC 7.1-7-1-1); or**

20 **(B) qualified researcher (as defined in IC 7.1-7-1-1); and**

21 **(2) the device is for the use of medical marijuana or research**
 22 **relating to the use of medical marijuana.**

23 SECTION 16. IC 35-48-4-10, AS AMENDED BY P.L.168-2014,
 24 SECTION 100, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) A person who:

26 (1) knowingly or intentionally:

27 (A) manufactures;

28 (B) finances the manufacture of;

29 (C) delivers; or

30 (D) finances the delivery of;

31 marijuana, hash oil, hashish, or salvia, pure or adulterated; or

32 (2) possesses, with intent to:

33 (A) manufacture;

34 (B) finance the manufacture of;

35 (C) deliver; or

36 (D) finance the delivery of;

37 marijuana, hash oil, hashish, or salvia, pure or adulterated;

38 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A
 39 misdemeanor, except as provided in subsections (b) through (d).

40 (b) A person may be convicted of an offense under subsection (a)(2)
 41 only if there is evidence in addition to the weight of the drug that the
 42 person intended to manufacture, finance the manufacture of, deliver,



- 1 or finance the delivery of the drug.
- 2 (c) The offense is a Level 6 felony if:
- 3 (1) the person has a prior conviction for a drug offense and the
- 4 amount of the drug involved is:
- 5 (A) less than thirty (30) grams of marijuana; or
- 6 (B) less than five (5) grams of hash oil, hashish, or salvia; or
- 7 (2) the amount of the drug involved is:
- 8 (A) at least thirty (30) grams but less than ten (10) pounds of
- 9 marijuana; or
- 10 (B) at least five (5) grams but less than three hundred (300)
- 11 grams of hash oil, hashish, or salvia.
- 12 (d) The offense is a Level 5 felony if:
- 13 (1) the person has a prior conviction for a drug dealing offense
- 14 and the amount of the drug involved is:
- 15 (A) at least thirty (30) grams but less than ten (10) pounds of
- 16 marijuana; or
- 17 (B) at least five (5) grams but less than three hundred (300)
- 18 grams of hash oil, hashish, or salvia; or
- 19 (2) the:
- 20 (A) amount of the drug involved is:
- 21 (i) at least ten (10) pounds of marijuana; or
- 22 (ii) at least three hundred (300) grams of hash oil, hashish,
- 23 or salvia; or
- 24 (B) offense involved a sale to a minor.
- 25 **(e) It is a defense to a prosecution under this section for an**
- 26 **offense involving marijuana, hashish, or hash oil that the person is**
- 27 **a:**
- 28 **(1) qualified primary caregiver (as defined under**
- 29 **IC 7.1-7-1-1), if:**
- 30 **(A) the possession or delivery of the marijuana, hashish, or**
- 31 **hash oil is permitted under IC 7.1-7-2-3; and**
- 32 **(B) the quantity of marijuana, hashish, or hash oil**
- 33 **possessed or delivered does not exceed the permissible**
- 34 **amounts set forth in IC 7.1-7-2-3; or**
- 35 **(2) qualified researcher (as defined under IC 7.1-7-1-1), if:**
- 36 **(A) the possession or delivery of the marijuana, hashish, or**
- 37 **hash oil is permitted by the research license issued by**
- 38 **DOME; and**
- 39 **(B) the quantity of marijuana, hashish, or hash oil**
- 40 **possessed or delivered does not exceed the permissible**
- 41 **quantity authorized by the research license.**
- 42 SECTION 17. IC 35-48-4-11, AS AMENDED BY



1 P.L.226-2014(ts), SECTION 12, IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) A person who:

3 (1) knowingly or intentionally possesses (pure or adulterated)
 4 marijuana, hash oil, hashish, or salvia;

5 (2) knowingly or intentionally grows or cultivates marijuana; or

6 (3) knowing that marijuana is growing on the person's premises,
 7 fails to destroy the marijuana plants;

8 commits possession of marijuana, hash oil, hashish, or salvia, a Class
 9 B misdemeanor, except as provided in subsections (b) through (c).

10 (b) The offense described in subsection (a) is a Class A
 11 misdemeanor if the person has a prior conviction for a drug offense.

12 (c) The offense described in subsection (a) is a Level 6 felony if:

13 (1) the person has a prior conviction for a drug offense; and

14 (2) the person possesses:

15 (A) at least thirty (30) grams of marijuana; or

16 (B) at least five (5) grams of hash oil, hashish, or salvia.

17 **(d) It is a defense to a prosecution under this section for an**
 18 **offense involving marijuana, hashish, or hash oil that the person is**
 19 **a:**

20 **(1) qualified patient (as defined under IC 7.1-7-1-1) or**
 21 **qualified primary caregiver (as defined under IC 7.1-7-1-1),**
 22 **if:**

23 **(A) the possession of the marijuana, hashish, or hash oil is**
 24 **permitted under IC 7.1-7-2-2; and**

25 **(B) the quantity of marijuana, hashish, or hash oil**
 26 **possessed or cultivated does not exceed the permissible**
 27 **amounts set forth in IC 7.1-7-2-2; or**

28 **(2) qualified researcher (as defined under IC 7.1-7-1-1), if:**

29 **(A) the possession or cultivation of the marijuana, hashish,**
 30 **or hash oil is permitted by the research license issued by**
 31 **DOME; and**

32 **(B) the quantity of marijuana, hashish, or hash oil**
 33 **possessed or cultivated does not exceed the permissible**
 34 **quantity authorized by the research license.**

35 SECTION 18. IC 35-52-7-97 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2015]: Sec. 97. IC 7.1-7-2-1 defines a crime
 38 concerning medical marijuana.

