

HOUSE BILL No. 1211

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-16-2; IC 35-43-1-2.

Synopsis: Methamphetamine related property damage. Includes the attempted manufacture of methamphetamine in the statutory definition of "methamphetamine abuse". Provides that damaging property during: (1) the dealing or manufacture; or (2) the attempted dealing or manufacture; of cocaine, a narcotic drug, or methamphetamine is a Level 6 felony. Provides that damaging a dwelling or structure attached to a dwelling during: (1) the dealing or manufacture; or (2) the attempted dealing or manufacture; of cocaine, a narcotic drug, or methamphetamine is a Level 4 felony in certain instances.

Effective: July 1, 2016.

Carbaugh, Smaltz, Ober

January 7, 2016, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1211

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 5-2-16-2, AS ADDED BY P.L.151-2006,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 2. As used in this chapter, "methamphetamine
4 abuse" means the:

- 5 (1) use;
 - 6 (2) sale;
 - 7 (3) manufacture **or attempt to manufacture**;
 - 8 (4) transport; or
 - 9 (5) delivery;
- 10 of methamphetamine or of a methamphetamine precursor, if the
11 precursor is being used, sold, manufactured, transported, ~~or~~ delivered,
12 **or processed** to facilitate the manufacture of methamphetamine.

13 SECTION 2. IC 35-43-1-2, AS AMENDED BY P.L.21-2014,
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2016]: Sec. 2. (a) A person who recklessly, knowingly, or
16 intentionally damages or defaces property of another person without
17 the other person's consent commits criminal mischief, a Class B



- 1 misdemeanor. However, the offense is:
- 2 (1) a Class A misdemeanor if the pecuniary loss is at least seven
- 3 hundred fifty dollars (\$750) but less than fifty thousand dollars
- 4 (\$50,000); ~~and~~
- 5 (2) a Level 6 felony if:
- 6 (A) the pecuniary loss is at least fifty thousand dollars
- 7 (\$50,000);
- 8 (B) the damage causes a substantial interruption or impairment
- 9 of utility service rendered to the public;
- 10 (C) the damage is to a public record; ~~or~~
- 11 (D) the damage is to a law enforcement animal (as defined in
- 12 IC 35-46-3-4.5); ~~or~~
- 13 **(E) the offense is committed during the dealing or**
- 14 **manufacture or attempted dealing or manufacture of**
- 15 **cocaine or a narcotic drug (IC 35-48-4-1) or**
- 16 **methamphetamine (IC 36-48-4-1.1); and**
- 17 **(3) a Level 4 felony if the offense is committed during the**
- 18 **dealing or manufacture or attempted dealing or manufacture**
- 19 **of cocaine, a narcotic drug (IC 35-48-4-1), or**
- 20 **methamphetamine (IC 35-48-4-1.1), and:**
- 21 **(A) the property damaged by the commission or attempted**
- 22 **commission of the offense:**
- 23 **(i) involves the dwelling of another person; and**
- 24 **(ii) was damaged without the other person's consent; or**
- 25 **(B) the property of another person is damaged under**
- 26 **circumstances that endanger human life.**
- 27 (b) A person who recklessly, knowingly, or intentionally damages:
- 28 (1) a structure used for religious worship;
- 29 (2) a school or community center;
- 30 (3) the property of an agricultural operation (as defined in
- 31 IC 32-30-6-1);
- 32 (4) the grounds:
- 33 (A) adjacent to; and
- 34 (B) owned or rented in common with;
- 35 a structure or facility identified in subdivisions (1) through (3); or
- 36 (5) personal property contained in a structure or located at a
- 37 facility identified in subdivisions (1) through (3);
- 38 without the consent of the owner, possessor, or occupant of the
- 39 property that is damaged, commits institutional criminal mischief, a
- 40 Class A misdemeanor. However, the offense is a Level 6 felony if the
- 41 pecuniary loss (or property damage, in the case of an agricultural
- 42 operation) is at least seven hundred fifty dollars (\$750) but less than



1 fifty thousand dollars (\$50,000), and a Level 5 felony if the pecuniary
2 loss (or property damage, in the case of an agricultural operation) is at
3 least fifty thousand dollars (\$50,000).

4 (c) If a person is convicted of an offense under this section that
5 involves the use of graffiti, the court may, in addition to any other
6 penalty, order that the person's operator's license be suspended or
7 invalidated by the bureau of motor vehicles for not more than one (1)
8 year.

9 (d) The court may rescind an order for suspension or invalidation
10 under subsection (c) and allow the person to receive a license or permit
11 before the period of suspension or invalidation ends if the court
12 determines that the person has removed or painted over the graffiti or
13 has made other suitable restitution.

