

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1006 be amended to read as follows:

1	Page 120, line 9, reset in roman "(d).".
2	Page 120, line 9, delete "(c).".
3	Page 120, between lines 9 and 10, begin a new paragraph and insert:
4	"(b) A person may be convicted of an offense under subsection
5	(a)(2) only if:
6	(1) the amount of the drug involved is at least five (5) grams;
7	and
8	(2) at least two (2) of the following apply:
9	(A) The drugs are packaged individually in a manner
10	consistent with resale.
11	(B) The person possesses a scale that may be used to weigh
12	drug quantities for resale.
13	(C) At the time of the arrest, the person possesses at least
14	five hundred dollars (\$500) in cash.
15	(D) The person possesses adulterants commonly used to cut
16	a drug for resale.".
17	Page 120, line 10, strike "(b)" and insert "(c)".
18	Page 120, line 11, strike "three (3)" and insert "five (5)".
19	Page 120, line 13, strike "three (3)" and insert "five (5)".
20	Page 120, line 15, strike "(c)" and insert "(d)".
21	Page 120, line 18, strike "three (3)" and insert "five (5)".
22	Page 120, line 42, reset in roman "(d).".
23	Page 120, line 42, delete "(c).".
24	Page 120, after line 42, begin a new paragraph and insert:
25	"(b) A person may be convicted of an offense under subsection
26	(a)(2) only if:
27	(1) the amount of the drug involved is at least five (5) grams;

1	and
2	(2) at least two (2) of the following apply:
3	(A) The drugs are packaged individually in a manner
4	consistent with resale.
5	(B) The person possesses a scale that may be used to weigh
6	drug quantities for resale.
7	(C) At the time of the arrest, the person possesses at least
8	five hundred dollars (\$500) in cash.
9	(D) The person possesses adulterants commonly used to cut
10	a drug for resale.".
11	Page 121, line 1, strike "(b)" and insert "(c)".
12	Page 121, line 2, strike "three (3)" and insert "five (5)".
13	Page 121, line 4, strike "three (3)" and insert "five (5)".
14	Page 121, line 6, strike "(c)" and insert "(d)".
15	Page 121, line 9, strike "three (3)" and insert "five (5)".
16	Page 121, line 40, strike "(d)." and insert "(e).".
17	Page 121, between lines 40 and 41, begin a new paragraph and
18	insert:
19	"(b) A person may be convicted of an offense under subsection
20	(a)(2) only if:
21	(1) the amount of the drug involved is at least five (5) grams;
22	and
23	(2) at least two (2) of the following apply:
24	(A) The drugs are packaged individually in a manner
25	consistent with resale.
26	(B) The person possesses a scale that may be used to weigh
27	drug quantities for resale.
28	(C) At the time of the arrest, the person possesses at least
29	five hundred dollars (\$500) in cash.
30	(D) The person possesses adulterants commonly used to cut
31	a drug for resale.".
32	Page 121, line 41, strike "(b)" and insert "(c)".
33	Page 121, line 42, strike "three (3)" and insert "five (5)".
34	Page 122, line 2, strike "three (3)" and insert "five (5)".
35	Page 122, line 4, strike "(c)" and insert "(d)".
36	Page 122, line 7, strike "three (3)" and insert "five (5)".
37	Page 122, line 9, strike "(d)" and insert "(e)".
38	Page 122, between lines 14 and 15, begin a new paragraph and
39	insert:
40	"SECTION 103. IC 35-48-4-3, AS AMENDED BY P.L.158-2013,
41	SECTION 625, IS AMENDED TO READ AS FOLLOWS
42	[EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who:
43	(1) knowingly or intentionally:
44	(A) manufactures;
45	(B) finances the manufacture of;
46	(C) delivers; or

1	(D) finances the delivery of;
2	a controlled substance, pure or adulterated, classified in schedule
3	IV; or
4	(2) possesses, with intent to manufacture or deliver, a controlled
5	substance, pure or adulterated, classified in schedule IV;
6	commits dealing in a schedule IV controlled substance, a Level 6
7	felony, except as provided in subsections (b) through (d). (e).
8	(b) A person may be convicted of an offense under subsection
9	(a)(2) only if:
10	(1) the amount of the drug involved is at least five (5) grams;
11	and
12	(2) at least two (2) of the following apply:
13	(A) The drugs are packaged individually in a manner
14	consistent with resale.
15	(B) The person possesses a scale that may be used to weigh
16	drug quantities for resale.
17	(C) At the time of the arrest, the person possesses at least
18	five hundred dollars (\$500) in cash.
19	(D) The person possesses adulterants commonly used to cut
20	a drug for resale.
21	(b) (c) The offense is a Level 5 felony if:
	(1) the amount of the drug involved is at least three (3) five (5)
23	but less than ten (10) grams; or
22 23 24	(2) the amount of the drug involved is less than three (3) five (5)
25	grams and an enhancing circumstance applies.
26	(c) (d) The offense is a Level 4 felony if:
27	(1) the amount of the drug involved is at least ten (10) but less
27 28	than twenty-eight (28) grams; or
29	(2) the amount of the drug involved is at least three (3) five (5)
30	but less than ten (10) grams and an enhancing circumstance
31	applies.
32	(d) (e) The offense is a Level 3 felony if:
33	(1) the amount of the drug involved is at least twenty-eight (28)
34	grams; or
35	(2) the amount of the drug involved is at least ten (10) but less
36	than twenty-eight (28) grams and an enhancing circumstance
37	applies.
38	SECTION 104. IC 35-48-4-4, AS AMENDED BY P.L.158-2013,
39	SECTION 626, IS AMENDED TO READ AS FOLLOWS
40	[EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who:
41	(1) knowingly or intentionally:
42	(A) manufactures;
43	(B) finances the manufacture of;
44	(C) delivers; or
45	(D) finances the delivery of;
46	a controlled substance, pure or adulterated, classified in schedule

1	V; or
2	(2) possesses, with intent to:
3	(A) manufacture;
4	(B) finance the manufacture of;
5	(C) deliver; or
6	(D) finance the delivery of;
7	a controlled substance, pure or adulterated, classified in schedule
8	V;
9	commits dealing in a schedule V controlled substance, a Class A
10	misdemeanor, except as provided in subsections (b) through (d). (e).
11	(b) A person may be convicted of an offense under subsection
12	(a)(2) only if:
13	(1) the amount of the drug involved is at least five (5) grams;
14	and
15	(2) at least two (2) of the following apply:
16	(A) The drugs are packaged individually in a manner
17	consistent with resale.
18	(B) The person possesses a scale that may be used to weigh
19	drug quantities for resale.
20	(C) At the time of the arrest, the person possesses at least
21	five hundred dollars (\$500) in cash.
22	(D) The person possesses adulterants commonly used to cut
23 24 25 26	a drug for resale.
24	(b) (c) The offense is a Level 6 felony if:
25	(1) the amount of the drug involved is at least three (3) five (5)
26	but less than ten (10) grams; or
27	(2) the amount of the drug involved is less than three (3) five (5)
28	grams and an enhancing circumstance applies.
29	(c) (d) The offense is a Level 5 felony if:
30	(1) the amount of the drug involved is at least ten (10) but less
31	than twenty-eight (28) grams; or
32	(2) the amount of the drug involved is at least three (3) five (5)
33	but less than ten (10) grams and an enhancing circumstance
34	applies.
35	(d) (e) The offense is a Level 4 felony if:
36	(1) the amount of the drug involved is at least twenty-eight (28)
37	grams; or
38	(2) the amount of the drug involved is at least ten (10) but less
39	than twenty-eight (28) grams and an enhancing circumstance
10	applies.
11	SECTION 105. IC 35-48-4-4.6, AS AMENDED BY P.L.158-2013,
12	SECTION 629, IS AMENDED TO READ AS FOLLOWS
13	[EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) A person who knowingly or
14	intentionally:
15	(1) manufactures;
16	(2) finances the manufacture of;

1	(3) advertises;
2	(4) distributes; or
3	(5) possesses with intent to manufacture, finance the manufacture
4	of, advertise, or distribute;
5	a substance described in section 4.5 of this chapter commits a Level 5
6	felony.
7	(b) A person may be convicted of an offense under subsection
8	(a)(5) only if:
9	(1) the amount of the substance involved is at least five (5)
10	grams; and
11	(2) at least two (2) of the following apply:
12	(A) The substance is packaged individually in a manner
13	consistent with resale.
14	(B) The person possesses a scale that may be used to weigh
15	drug quantities for resale.
16	(C) At the time of the arrest, the person possesses at least
17	five hundred dollars (\$500) in cash.
18	(D) The person possesses adulterants commonly used to cut
19	a drug for resale.
20	(b) (c) A person who knowingly or intentionally possesses a
21	substance described in section 4.5 of this chapter commits a Class C
22	misdemeanor. However, the offense is a Class A misdemeanor if the
23	person has a previous conviction under this section.
24	(c) (d) In any prosecution brought under this section it is not a
25	defense that the person believed the substance actually was a controlled
26	substance.
27	(d) (e) This section does not apply to the following:
28	(1) The manufacture, financing the manufacture of, processing,
29	packaging, distribution, or sale of noncontrolled substances to
30	licensed medical practitioners for use as placebos in professional
31	practice or research.
32	(2) Persons acting in the course and legitimate scope of their
33	employment as law enforcement officers.
34	(3) The retention of production samples of noncontrolled
35	substances produced before September 1, 1986, where such
36	samples are required by federal law.
37	SECTION 106. IC 35-48-4-6, AS AMENDED BY P.L.158-2013,
38	SECTION 631, IS AMENDED TO READ AS FOLLOWS
39	[EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who, without a valid
40	prescription or order of a practitioner acting in the course of the
41	practitioner's professional practice, knowingly or intentionally
42	possesses cocaine (pure or adulterated) or a narcotic drug (pure or
43	adulterated) classified in schedule I or II, commits possession of
44	cocaine or a narcotic drug, a Level 6 felony, except as provided in
45	subsections (b) through (d).

(b) The offense is a Level 5 felony if:

46

1	(1) the amount of the drug involved is at least three (3) five (5)
2	but less than ten (10) grams; or
3	(2) the amount of the drug involved is less than three (3) five (5)
4	grams and an enhancing circumstance applies.
5	(c) The offense is a Level 4 felony if:
6	(1) the amount of the drug involved is at least ten (10) but less
7	than twenty-eight (28) grams; or
8	(2) the amount of the drug involved is at least three (3) five (5)
9	but less than ten (10) grams and an enhancing circumstance
10	applies.
11	(d) The offense is a Level 3 felony if:
12	(1) the amount of the drug involved is at least twenty-eight (28)
13	grams; or
14	(2) the amount of the drug involved is at least ten (10) but less
15	than twenty-eight (28) grams and an enhancing circumstance
16	applies.
17	SECTION 107. IC 35-48-4-6.1, AS AMENDED BY P.L.158-2013,
18	SECTION 632, IS AMENDED TO READ AS FOLLOWS
19	[EFFECTIVE JULY 1, 2014]: Sec. 6.1. (a) A person who, without a
20	valid prescription or order of a practitioner acting in the course of the
21	practitioner's professional practice, knowingly or intentionally
22	possesses methamphetamine (pure or adulterated) commits possession
23	of methamphetamine, a Level 6 felony, except as provided in
24	subsections (b) through (d).
25	(b) The offense is a Level 5 felony if:
26	(1) the amount of the drug involved is at least three (3) five (5)
27	but less than ten (10) grams; or
28	(2) the amount of the drug involved is less than three (3) five (5)
29	grams and an enhancing circumstance applies.
30	(c) The offense is a Level 4 felony if:
31	(1) the amount of the drug involved is at least ten (10) but less
32	than twenty-eight (28) grams; or
33	(2) the amount of the drug involved is at least three (3) five (5)
34	but less than ten (10) grams and an enhancing circumstance
35	applies.
36	(d) The offense is a Level 3 felony if:
37	(1) the amount of the drug involved is more than twenty-eight
38	(28) grams; or
39	(2) the amount of the drug involved is at least ten (10) but less
40	than twenty-eight (28) grams and an enhancing circumstance
41	applies.".
42	Page 122, line 35, strike "(c)." and insert "(d).".
43	Page 123, between lines 20 and 21, begin a new paragraph and
44	insert:
45	"(b) A person may be convicted of an offense under subsection
46	(a)(2) only if:

1	(1) the amount of the drug involved is at least:
2 3	(A) thirty (30) grams of marijuana; or
3	(B) five (5) grams of hash oil, hashish, or salvia; and
4	(2) at least two (2) of the following apply:
5	(A) The drugs are packaged individually in a manner
6	consistent with resale.
7	(B) The person possesses a scale that may be used to weigh
8	drug quantities for resale.
9	(C) At the time of the arrest, the person possesses at least
10	five hundred dollars (\$500) in cash.
11	(D) The person possesses adulterants commonly used to cut
12	a drug for resale.".
13	Page 123, line 21, strike "(b)" and insert "(c)".
14	Page 123, line 25, strike "two (2)" and insert "five (5)".
15	Page 123, line 30, strike "two (2)" and insert "five (5)".
16	Page 123, line 32, strike "(c)" and insert "(d)".
17	Page 123, line 37, strike "two (2)" and insert "five (5)".
18	Page 124, between lines 16 and 17, begin a new paragraph, and
19	insert:
20	"(b) A person may be convicted of an offense under subsection
21	(a)(5) or $(a)(6)$ only if:
22	(1) the amount of the synthetic drug or synthetic drug
23	lookalike substance involved is at least five (5) grams; and
24	(2) at least two (2) of the following apply:
25	(A) The synthetic drug or synthetic drug lookalike
26	substance is packaged individually in a manner consistent
27	with resale.
28	(B) The person possesses a scale that may be used to weigh
29	drug quantities for resale.
30	(C) At the time of the arrest, the person possesses at least
31	five hundred dollars (\$500) in cash.
32	(D) The person possesses adulterants commonly used to cut
33	a synthetic drug or synthetic drug lookalike substance for
34	resale.".
35	Page 124, line 17, strike "(b)" and insert "(c)".
36	Page 124, line 31, strike "subsection" and insert "subsections (d)
37	through (e).".
38	Page 124, strike line 32, begin a new paragraph and insert:
39	"(d) A person may be convicted of an offense under subsection
40	(c)(2) only if:
41	(1) the amount of the synthetic drug or synthetic drug
42	lookalike substance involved is at least five (5) grams; and
43	(2) at least two (2) of the following apply:
44	(A) The synthetic drug or synthetic drug lookalike
45	substance is packaged individually in a manner consistent
46	with resale.

1	(B) The person possesses a scale that may be used to weigh
2	drug quantities for resale.
3	(C) At the time of the arrest, the person possesses at least
4	five hundred dollars (\$500) in cash.
5	(D) The person possesses adulterants commonly used to cut
6	a synthetic drug or synthetic drug lookalike substance for
7	resale.".
8	Page 124, line 33, strike "(c)" and insert "(e)".
9	Page 124, line 33, strike "(b)" and insert "(c)".
0	Page 124, line 37, strike "two (2)" and insert "five (5)".
1	Page 124, line 41, strike "two (2)" and insert "five (5)".
2	Page 125, line 9, strike "(d)" and insert "(f)".
3	Page 125, line 24, strike "(e)" and insert "(g)".
4	Renumber all SECTIONS consecutively.
	(Reference is to FHR 1006 as printed February 28, 2014.)

Senator GLICK