



# 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;**

and

(2) at least two (2) of the following apply:

(A) The drugs are packaged individually in a manner consistent with resale.

(B) The person possesses a scale that may be used to weigh drug quantities for resale.

(C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.

(D) The person possesses adulterants commonly used to cut a drug for resale."

Page 121, line 1, strike "(b)" and insert "(c)".

Page 121, line 2, strike "three (3)" and insert "five (5)".

Page 121, line 4, strike "three (3)" and insert "five (5)".

Page 121, line 6, strike "(c)" and insert "(d)".

Page 121, line 9, strike "three (3)" and insert "five (5)".

Page 121, line 40, strike "(d)." and insert "(e)".

Page 121, between lines 40 and 41, begin a new paragraph and insert:

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

(1) the amount of the drug involved is at least five (5) grams; and

(2) at least two (2) of the following apply:

(A) The drugs are packaged individually in a manner consistent with resale.

(B) The person possesses a scale that may be used to weigh drug quantities for resale.

(C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.

(D) The person possesses adulterants commonly used to cut a drug for resale."

Page 121, line 41, strike "(b)" and insert "(c)".

Page 121, line 42, strike "three (3)" and insert "five (5)".

Page 122, line 2, strike "three (3)" and insert "five (5)".

Page 122, line 4, strike "(c)" and insert "(d)".

Page 122, line 7, strike "three (3)" and insert "five (5)".

Page 122, line 9, strike "(d)" and insert "(e)".

Page 122, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 103. IC 35-48-4-3, AS AMENDED BY P.L.158-2013, SECTION 625, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;  
 a controlled substance, pure or adulterated, classified in schedule  
 IV; or  
 (2) possesses, with intent to manufacture or deliver, a controlled  
 substance, pure or adulterated, classified in schedule IV;  
 commits dealing in a schedule IV controlled substance, a Level 6  
 felony, except as provided in subsections (b) through ~~(d)~~: **(e).**

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

**(1) the amount of the drug involved is at least five (5) grams;  
 and**

**(2) at least two (2) of the following apply:**

**(A) The drugs are packaged individually in a manner  
 consistent with resale.**

**(B) The person possesses a scale that may be used to weigh  
 drug quantities for resale.**

**(C) At the time of the arrest, the person possesses at least  
 five hundred dollars (\$500) in cash.**

**(D) The person possesses adulterants commonly used to cut  
 a drug for resale.**

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

**(1) the amount of the drug involved is at least ~~three (3)~~ five (5)  
 but less than ten (10) grams; or**

**(2) the amount of the drug involved is less than ~~three (3)~~ five (5)  
 grams and an enhancing circumstance applies.**

~~(c)~~ **(d)** The offense is a Level 4 felony if:

**(1) the amount of the drug involved is at least ten (10) but less  
 than twenty-eight (28) grams; or**

**(2) the amount of the drug involved is at least ~~three (3)~~ five (5)  
 but less than ten (10) grams and an enhancing circumstance  
 applies.**

~~(d)~~ **(e)** The offense is a Level 3 felony if:

**(1) the amount of the drug involved is at least twenty-eight (28)  
 grams; or**

**(2) the amount of the drug involved is at least ten (10) but less  
 than twenty-eight (28) grams and an enhancing circumstance  
 applies.**

SECTION 104. IC 35-48-4-4, AS AMENDED BY P.L.158-2013,  
 SECTION 626, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who:

**(1) knowingly or intentionally:**

**(A) manufactures;**

**(B) finances the manufacture of;**

**(C) delivers; or**

**(D) finances the delivery of;**

**a controlled substance, pure or adulterated, classified in schedule**

V; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

a controlled substance, pure or adulterated, classified in schedule

V;

commits dealing in a schedule V controlled substance, a Class A misdemeanor, except as provided in subsections (b) through ~~(d)~~: (e).

**(b) A person may be convicted of an offense under subsection**

**(a)(2) only if:**

**(1) the amount of the drug involved is at least five (5) grams; and**

**(2) at least two (2) of the following apply:**

**(A) The drugs are packaged individually in a manner consistent with resale.**

**(B) The person possesses a scale that may be used to weigh drug quantities for resale.**

**(C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.**

**(D) The person possesses adulterants commonly used to cut a drug for resale.**

~~(b)~~ **(c)** The offense is a Level 6 felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

~~(c)~~ **(d)** The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

~~(d)~~ **(e)** The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 105. IC 35-48-4-4.6, AS AMENDED BY P.L.158-2013, SECTION 629, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) A person who knowingly or intentionally:

(1) manufactures;

(2) finances the manufacture of;

(3) advertises;  
 (4) distributes; or  
 (5) possesses with intent to manufacture, finance the manufacture of, advertise, or distribute;  
 a substance described in section 4.5 of this chapter commits a Level 5 felony.

**(b) A person may be convicted of an offense under subsection (a)(5) only if:**

**(1) the amount of the substance involved is at least five (5) grams; and**

**(2) at least two (2) of the following apply:**

**(A) The substance is packaged individually in a manner consistent with resale.**

**(B) The person possesses a scale that may be used to weigh drug quantities for resale.**

**(C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.**

**(D) The person possesses adulterants commonly used to cut a drug for resale.**

~~(b)~~ **(c)** A person who knowingly or intentionally possesses a substance described in section 4.5 of this chapter commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous conviction under this section.

~~(c)~~ **(d)** In any prosecution brought under this section it is not a defense that the person believed the substance actually was a controlled substance.

~~(d)~~ **(e)** This section does not apply to the following:

(1) The manufacture, financing the manufacture of, processing, packaging, distribution, or sale of noncontrolled substances to licensed medical practitioners for use as placebos in professional practice or research.

(2) Persons acting in the course and legitimate scope of their employment as law enforcement officers.

(3) The retention of production samples of noncontrolled substances produced before September 1, 1986, where such samples are required by federal law.

SECTION 106. IC 35-48-4-6, AS AMENDED BY P.L.158-2013, SECTION 631, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) or a narcotic drug (pure or adulterated) classified in schedule I or II, commits possession of cocaine or a narcotic drug, a Level 6 felony, except as provided in subsections (b) through (d).

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

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

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

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

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

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 107. IC 35-48-4-6.1, AS AMENDED BY P.L.158-2013, SECTION 632, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.1. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses methamphetamine (pure or adulterated) commits possession of methamphetamine, a Level 6 felony, except as provided in subsections (b) through (d).

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

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

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

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

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

(1) the amount of the drug involved is more than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies."

Page 122, line 35, strike "(c)." and insert "(d).".

Page 123, between lines 20 and 21, begin a new paragraph and insert:

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

- (1) the amount of the drug involved is at least:
  - (A) thirty (30) grams of marijuana; or
  - (B) five (5) grams of hash oil, hashish, or salvia; and
- (2) at least two (2) of the following apply:
  - (A) The drugs are packaged individually in a manner consistent with resale.
  - (B) The person possesses a scale that may be used to weigh drug quantities for resale.
  - (C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.
  - (D) The person possesses adulterants commonly used to cut a drug for resale."

Page 123, line 21, strike "(b)" and insert "(c)".

Page 123, line 25, strike "two (2)" and insert "five (5)".

Page 123, line 30, strike "two (2)" and insert "five (5)".

Page 123, line 32, strike "(c)" and insert "(d)".

Page 123, line 37, strike "two (2)" and insert "five (5)".

Page 124, between lines 16 and 17, begin a new paragraph, and insert:

"(b) A person may be convicted of an offense under subsection (a)(5) or (a)(6) only if:

- (1) the amount of the synthetic drug or synthetic drug lookalike substance involved is at least five (5) grams; and
- (2) at least two (2) of the following apply:
  - (A) The synthetic drug or synthetic drug lookalike substance is packaged individually in a manner consistent with resale.
  - (B) The person possesses a scale that may be used to weigh drug quantities for resale.
  - (C) At the time of the arrest, the person possesses at least five hundred dollars (\$500) in cash.
  - (D) The person possesses adulterants commonly used to cut a synthetic drug or synthetic drug lookalike substance for resale."

Page 124, line 17, strike "(b)" and insert "(c)".

Page 124, line 31, strike "subsection" and insert "subsections (d) through (e)".

Page 124, strike line 32, begin a new paragraph and insert:

"(d) A person may be convicted of an offense under subsection (c)(2) only if:

- (1) the amount of the synthetic drug or synthetic drug lookalike substance involved is at least five (5) grams; and
- (2) at least two (2) of the following apply:
  - (A) The synthetic drug or synthetic drug lookalike substance is packaged individually in a manner consistent 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)".  
10          Page 124, line 37, strike "two (2)" and insert "**five (5)**".  
11          Page 124, line 41, strike "two (2)" and insert "**five (5)**".  
12          Page 125, line 9, strike "(d)" and insert "**(f)**".  
13          Page 125, line 24, strike "(e)" and insert "**(g)**".  
14          Renummer all SECTIONS consecutively.  
            (Reference is to EHB 1006 as printed February 28, 2014.)

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Senator GLICK