



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 174 be amended to read as follows:

- 1 Page 2, after line 10, begin a new paragraph and insert:
- 2 "SECTION 3. IC 35-48-4-13, AS AMENDED BY P.L.158-2013,
- 3 SECTION 640, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A person who knowingly or
- 5 intentionally visits a building, structure, vehicle, or other place that is
- 6 used by any person to unlawfully use a controlled substance commits
- 7 visiting a common nuisance. ~~a Class B misdemeanor. The offense is a:~~
- 8 **(1) Class C misdemeanor if the person visits a building,**
- 9 **structure, vehicle, or other place that is:**
- 10 **(A) used to unlawfully use marijuana, hash oil, or hashish;**
- 11 **and**
- 12 **(B) not used to unlawfully use any other controlled**
- 13 **substance; and**
- 14 **(2) Class B misdemeanor if the person visits a building,**
- 15 **structure, vehicle, or other place that is used by any person to**
- 16 **unlawfully use a controlled substance other than marijuana,**
- 17 **hash oil, or hashish.**
- 18 (b) A person who knowingly or intentionally maintains a building,
- 19 structure, vehicle, or other place that is used one (1) or more times:
- 20 (1) by persons to unlawfully use controlled substances; or
- 21 (2) for unlawfully:
- 22 (A) manufacturing;
- 23 (B) keeping;
- 24 (C) offering for sale;
- 25 (D) selling;
- 26 (E) delivering; or
- 27 (F) financing the delivery of;

1 controlled substances, or items of drug paraphernalia as described  
 2 in IC 35-48-4-8.5;  
 3 commits maintaining a common nuisance. ~~a Level 6 felony.~~

4 **(c) The offense described in subsection (b) is a:**

5 **(1) Class A misdemeanor if:**

6 **(A) the controlled substances described in subsection (b)**  
 7 **consist solely of marijuana, hash oil, or hashish; or**

8 **(B) the unlawful purpose described in subsection (b)(2)**  
 9 **relates solely to:**

10 **(i) drug paraphernalia;**

11 **(ii) marijuana, hash oil, or hashish; or**

12 **(iii) both drug paraphernalia and marijuana, hash oil, or**  
 13 **hashish; and**

14 **(2) Level 6 felony if one (1) or more of the controlled**  
 15 **substances described in subsection (b) is a controlled**  
 16 **substance other than marijuana, hash oil, or hashish."**

17 Renumber all SECTIONS consecutively.

(Reference is to SB 174 as printed January 14, 2016.)

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Senator TALLIAN