

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 206, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 34-24-1-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The following
- 5 may be seized:
- 6 (1) All vehicles (as defined by IC 35-41-1), if they are used or are
- 7 intended for use by the person or persons in possession of them to
- 8 transport or in any manner to facilitate the transportation of the
- 9 following:
- 10 (A) A controlled substance for the purpose of committing,
- 11 attempting to commit, or conspiring to commit any of the
- 12 following:
- 13 (i) Dealing in cocaine or narcotic drug (IC 35-48-4-1).
- 14 (ii) Dealing in a schedule I, II, or III controlled substance (IC

- 1 35-48-4-2).
- 2 (iii) Dealing in a schedule IV controlled substance (IC
- 3 35-48-4-3).
- 4 (iv) Dealing in a schedule V controlled substance (IC
- 5 35-48-4-4).
- 6 (v) Dealing in a counterfeit substance (IC 35-48-4-5).
- 7 (vi) Possession of cocaine or narcotic drug (IC 35-48-4-6).
- 8 (vii) Dealing in paraphernalia (IC 35-48-4-8.5).
- 9 (viii) Dealing in marijuana, hash oil, or hashish (IC
- 10 35-48-4-10).
- 11 (B) Any stolen (IC 35-43-4-2) or converted property (IC
- 12 35-43-4-3) if the retail or repurchase value of that property is
- 13 one hundred dollars (\$100) or more.
- 14 (C) Any hazardous waste in violation of IC 13-30-6-6.
- 15 (2) All money, negotiable instruments, securities, weapons,
- 16 communications devices, or any property commonly used as
- 17 consideration for a violation of IC 35-48-4 (other than items
- 18 subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1
- 19 before its repeal):
- 20 (A) furnished or intended to be furnished by any person in
- 21 exchange for an act that is in violation of a criminal statute;
- 22 (B) used to facilitate any violation of a criminal statute; or
- 23 (C) traceable as proceeds of the violation of a criminal statute.
- 24 (3) Any portion of real or personal property purchased with
- 25 money that is traceable as a proceed of a violation of a criminal
- 26 statute.
- 27 (4) A vehicle that is used by a person to:
- 28 (A) commit, attempt to commit, or conspire to commit;
- 29 (B) facilitate the commission of; or
- 30 (C) escape from the commission of;
- 31 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
- 32 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
- 33 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4).
- 34 (5) Real property owned by a person who uses it to commit any of
- 35 the following as a Class A felony, a Class B felony, or a Class C
- 36 felony:
- 37 (A) Dealing in cocaine or narcotic drug (IC 35-48-4-1).
- 38 (B) Dealing in a schedule I, II, or III controlled substance (IC

- 1 35-48-4-2).
- 2 (C) Dealing in a schedule IV controlled substance (IC
- 3 35-48-4-3).
- 4 (D) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).
- 5 (6) Equipment and recordings used by a person to commit fraud
- 6 under IC 35-43-5-4(11).
- 7 (7) Recordings sold, rented, transported, or possessed by a person
- 8 in violation of IC 24-4-10.
- 9 (8) Property (as defined by IC 35-41-1-23) or an enterprise (as
- 10 defined by IC 35-45-6-1) that is the object of a corrupt business
- 11 influence violation (IC 35-45-6-2).
- 12 (9) Unlawful telecommunications devices (as defined in
- 13 IC 35-45-13-6) and plans, instructions, or publications used to
- 14 commit an offense under IC 35-45-13.
- 15 **(10) Any equipment used or intended for use in the preparing,**
- 16 **photographing, recording, videotaping, digitizing, printing,**
- 17 **copying, or dissemination of matter in violation of**
- 18 **IC 35-42-4-4.**
- 19 (b) A vehicle used by any person as a common or contract carrier in
- 20 the transaction of business as a common or contract carrier is not
- 21 subject to seizure under this section, unless it can be proven by a
- 22 preponderance of the evidence that the owner of the vehicle knowingly
- 23 permitted the vehicle to be used to engage in conduct that subjects it to
- 24 seizure under subsection (a).
- 25 (c) Money, negotiable instruments, securities, weapons,
- 26 communications devices, or any property commonly used as
- 27 consideration for a violation of IC 35-48-4 found near or on a person
- 28 who is committing, attempting to commit, or conspiring to commit any
- 29 of the following offenses shall be admitted into evidence in an action
- 30 under this chapter as prima facie evidence that the money, negotiable
- 31 instrument, security, or other thing of value is property that has been
- 32 used or was to have been used to facilitate the violation of a criminal
- 33 statute or is the proceeds of the violation of a criminal statute:
- 34 (1) IC 35-48-4-1 (dealing in cocaine or narcotic drug).
- 35 (2) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
- 36 substance).
- 37 (3) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- 38 (4) IC 35-48-4-4 (dealing in a schedule V controlled substance)

- 1 as a Class B felony.
- 2 (5) IC 35-48-4-6 (possession of cocaine or narcotic drug) as a
- 3 Class A felony, Class B felony, or Class C felony.
- 4 (6) IC 35-48-4-10 (dealing in marijuana, hash oil, or hashish) as
- 5 a Class C felony."
- 6 Renumber all SECTIONS consecutively.
(Reference is to SB 206 as printed February 2, 2001.)

and when so amended that said bill do pass.

Representative Dvorak