
HOUSE BILL No. 1044

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44-3-9.

Synopsis: Trafficking tobacco products with an inmate. Makes trafficking with an inmate a Class D felony if the trafficker is an employee of the department of correction or a penal facility and the trafficked item is a tobacco product. (The introduced version of this bill was prepared by the interim study committee on juvenile law and corrections issues.)

Effective: July 1, 2004.

Smith V, Mays, Lawson L, Ulmer

January 13, 2004, read first time and referred to Committee on Courts and Criminal Code.

C
O
P
Y



Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

C
o
p
y

HOUSE BILL No. 1044



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 35-44-3-9, AS AMENDED BY P.L.243-1999,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 9. (a) As used in this section, "juvenile facility"
4 means the following:

5 (1) A secure facility (as defined in IC 31-9-2-114) in which a
6 child is detained under IC 31 or used for a child awaiting
7 adjudication or adjudicated under IC 31 as a child in need of
8 services or a delinquent child.

9 (2) A shelter care facility (as defined in IC 31-9-2-117) in which
10 a child is detained under IC 31 or used for a child awaiting
11 adjudication or adjudicated under IC 31 as a child in need of
12 services or a delinquent child.

13 (b) **Except as provided in subsection (c)**, a person who, without
14 the prior authorization of the person in charge of a penal facility or
15 juvenile facility knowingly or intentionally:

16 (1) delivers, or carries into the penal facility or juvenile facility
17 with intent to deliver, an article to an inmate or child of the



1 facility;
 2 (2) carries, or receives with intent to carry out of the penal facility
 3 or juvenile facility, an article from an inmate or child of the
 4 facility; or
 5 (3) delivers, or carries to a ~~work site~~ **worksite** with the intent to
 6 deliver, alcoholic beverages to an inmate or child of a jail work
 7 crew or community work crew;
 8 commits trafficking with an inmate, a Class A misdemeanor. ~~However,~~
 9 ~~the offense is a Class C felony if the article is a controlled substance or~~
 10 ~~a deadly weapon.~~
 11 **(c) The offense under subsection (b) is:**
 12 **(1) a Class D felony if the person trafficking is an employee of:**
 13 **(A) the department of correction; or**
 14 **(B) a penal facility;**
 15 **and the article is a cigarette or tobacco product (as defined in**
 16 **IC 6-7-2-5); or**
 17 **(2) a Class C felony if the article is:**
 18 **(A) a controlled substance; or**
 19 **(B) a deadly weapon.**

**C
O
P
Y**

