

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1007 be amended to read as follows:

- 1 Page 2, line 29, delete "UNDER THE TEMPORARY".
- 2 Page 2, delete line 30.
- 3 Page 9, between lines 34 and 35, begin a new paragraph and insert:
- 4 **"Chapter 7. Drug and Alcohol Testing for Legislators**
- 5 **Sec. 1. This chapter applies to a member of the general assembly**
- 6 **who:**
- 7 **(1) is serving on June 30, 2012; or**
- 8 **(2) is elected or appointed to the general assembly after June**
- 9 **30, 2012.**
- 10 **Sec. 2. As used in this chapter, "alcohol" has the meaning set**
- 11 **forth in IC 9-24-6-0.3.**
- 12 **Sec. 3. As used in this chapter, "alcohol concentration**
- 13 **equivalent" has the meaning set forth in IC 9-13-2-2.4.**
- 14 **Sec. 4. As used in this chapter, "body" refers to either of the**
- 15 **following:**
- 16 **(1) The house of representatives.**
- 17 **(2) The senate.**
- 18 **Sec. 5. As used in this chapter, "chamber" refers to either of the**
- 19 **following:**
- 20 **(1) The floor of the house of representatives.**
- 21 **(2) The floor of the senate.**
- 22 **Sec. 6. As used in this chapter, "legislative council" refers to the**
- 23 **legislative council created under IC 2-5-1.1-1.**

1           **Sec. 7. As used in this chapter, "member" refers to either of the**  
 2 **following:**

3           **(1) A member of the house of representatives.**

4           **(2) A member of the senate.**

5           **Sec. 8. (a) A member of the general assembly shall consent to the**  
 6 **following testing once during each year that the member serves in**  
 7 **the general assembly:**

8           **(1) A drug test to determine the presence of a controlled**  
 9 **substance.**

10           **(2) A breath test administered randomly to determine the**  
 11 **member's alcohol concentration equivalent.**

12           **(b) A drug test administered under subsection (a)(1) must be**  
 13 **performed by a SAMHSA (as defined in IC 22-10-15-3) certified**  
 14 **laboratory.**

15           **(c) A breath test administered under subsection (a)(2) must be**  
 16 **conducted using a breath test operator, equipment, chemicals, and**  
 17 **techniques approved in accordance with IC 9-30-6-5 and rules**  
 18 **adopted under IC 9-30-6-5. The breath test must be administered:**

19           **(1) after the day in January the general assembly reconvenes**  
 20 **under IC 2-2.1-1-2 or IC 2-2.1-1-3; and**

21           **(2) before the day the general assembly adjourns sine die**  
 22 **under IC 2-2.1-1-2 or IC 2-2.1-1-3.**

23           **Sec. 9. The legislative council shall establish and administer the**  
 24 **testing program required under section 8 of this chapter.**

25           **Sec. 10. (a) Each member of the general assembly shall**  
 26 **reimburse the legislative council for the costs of a drug or breath**  
 27 **test administered under this chapter.**

28           **(b) If a member fails to reimburse the legislative council under**  
 29 **this section, the member may be disciplined or assessed a penalty**  
 30 **by the member's body under the Constitution of the State of**  
 31 **Indiana or the rules adopted by the member's chamber.**

32           **Sec. 11. If:**

33           **(1) a member refuses to consent to a drug or breath test under**  
 34 **section 8(a) of this chapter; or**

35           **(2) a finding is made by the member's chamber that the**  
 36 **member has:**

37           **(A) tested positive on a drug test; or**

38           **(B) received an alcohol concentration equivalent result on**  
 39 **a breath test that is greater than the alcohol concentration**  
 40 **equivalent required for a conviction of operating a vehicle**  
 41 **while intoxicated under IC 9-30-5;**

42 **the member may be disciplined or assessed a penalty by the**  
 43 **member's body under the Constitution of the State of Indiana or**  
 44 **the rules adopted by the member's chamber.**

45           **Sec. 12. The legislative council's records concerning the results**  
 46 **of a drug or breath test under this chapter may not be admitted**  
 47 **against a defendant in a criminal proceeding."**

- 1 Renumber all SECTIONS consecutively.  
(Reference is to HB 1007 as printed January 25, 2012.)

---

Representative Dvorak