

# SENATE BILL No. 499

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-48-4.

**Synopsis:** Narcotic drugs and naloxone. Provides that a trier of fact may conclude that a person possessed a schedule I or II narcotic drug if: (1) the person suffered symptoms of an acute opioid overdose; and (2) administration of an overdose intervention drug alleviated the symptoms within 15 minutes. Specifies that certain persons: (1) charged with or convicted of a drug offense; and (2) who received an overdose intervention drug for an acute opioid overdose; are entitled to priority admission in a forensic diversion program, a pretrial diversion program, or another program, including a drug court program, offering treatment for persons with addictive disorders.

**Effective:** July 1, 2017.

---

---

## Raatz

---

---

January 17, 2017, read first time and referred to Committee on Judiciary.

---

---



First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## SENATE BILL No. 499

---

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 35-48-4-6, AS AMENDED BY P.L.168-2014,  
2 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]: Sec. 6. (a) A person who, without a valid prescription  
4 or order of a practitioner acting in the course of the practitioner's  
5 professional practice, knowingly or intentionally possesses cocaine  
6 (pure or adulterated) or a narcotic drug (pure or adulterated) classified  
7 in schedule I or II, commits possession of cocaine or a narcotic drug,  
8 a Level 6 felony, except as provided in subsections (b) through (d).  
9 (b) The offense is a Level 5 felony if:  
10 (1) the amount of the drug involved is at least five (5) but less  
11 than ten (10) grams; or  
12 (2) the amount of the drug involved is less than five (5) grams and  
13 an enhancing circumstance applies.  
14 (c) The offense is a Level 4 felony if:  
15 (1) the amount of the drug involved is at least ten (10) but less  
16 than twenty-eight (28) grams; or  
17 (2) the amount of the drug involved is at least five (5) but less



- 1 than ten (10) grams and an enhancing circumstance applies.  
 2 (d) The offense is a Level 3 felony if:  
 3 (1) the amount of the drug involved is at least twenty-eight (28)  
 4 grams; or  
 5 (2) the amount of the drug involved is at least ten (10) but less  
 6 than twenty-eight (28) grams and an enhancing circumstance  
 7 applies.

8 **(e) Evidence that:**

- 9 **(1) a person suffered respiratory or central nervous system**  
 10 **depression consistent with an acute opioid overdose; and**  
 11 **(2) the person's symptoms were significantly alleviated not**  
 12 **later than fifteen (15) minutes after the person was**  
 13 **administered an overdose intervention drug (as defined in**  
 14 **IC 16-18-2-263.9);**

15 **is sufficient evidence for a trier of fact to determine that the person**  
 16 **possessed a narcotic drug classified in schedule I or II.**

17 SECTION 2. IC 35-48-4-12.5 IS ADDED TO THE INDIANA  
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2017]: **Sec. 12.5. (a) This section applies to a**  
 20 **person:**

- 21 **(1) charged with or convicted of a violation of section 6 of this**  
 22 **chapter based on the possession of a narcotic drug classified**  
 23 **in schedule I or II; and**  
 24 **(2) who was administered an overdose intervention drug (as**  
 25 **defined in IC 16-18-2-263.9) for an acute opioid overdose.**

26 **(b) Except as provided in subsection (c), a person to whom this**  
 27 **section applies is entitled to be enrolled on a priority basis in:**

- 28 **(1) a forensic diversion program (as described in IC 11-12-3.7)**  
 29 **providing a treatment plan for a person with an addictive**  
 30 **disorder;**  
 31 **(2) a pretrial diversion program offered by the prosecuting**  
 32 **attorney that mandates treatment for addictive disorders; or**  
 33 **(3) another county program, including a drug court program,**  
 34 **that provides treatment for persons suffering from addictive**  
 35 **disorders who have been charged with or convicted of a drug**  
 36 **offense.**

37 **(c) A person to whom this section applies is not entitled to**  
 38 **enrollment in a program described in subsection (b) if:**

- 39 **(1) an appropriate program is not available in the county;**  
 40 **(2) the person is not eligible for an appropriate program; or**  
 41 **(3) placement in a program is not appropriate due to the**  
 42 **person's criminal history.**

