SENATE BILL No. 284

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-39; IC 5-2-8; IC 6-7-3; IC 7.1-7; IC 7.1-8; IC 15-16-7-8; IC 33-37; IC 35-48-4; IC 35-52-7-97.

Synopsis: Medical marijuana. Establishes a medical marijuana program and permits caregivers and patients who have received a physician recommendation to possess a certain quantity of marijuana for treatment. Creates the department of marijuana enforcement (DOME) to oversee the program, and creates the DOME advisory committee to review the effectiveness of the program and to consider recommendations from DOME. Authorizes DOME to grant research licenses to research facilities with a physical presence in Indiana. Repeals the controlled substance excise tax and the marijuana eradication program. Makes conforming amendments.

Effective: July 1, 2015.
SENATE BILL No. 284

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:

SECTION 1. IC 2-5-39 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 39. DOME Advisory Committee

Sec. 1. The following definitions apply throughout this chapter:

(1) "Committee" means the DOME advisory committee established by section 2 of this chapter.

(2) "DOME" means the department of marijuana enforcement established by IC 7.1-8-2-1.

Sec. 2. The DOME advisory committee is established.

Sec. 3. (a) The committee consists of four (4) voting members and five (5) nonvoting members:

(1) One (1) legislative member appointed by the speaker of the house of representatives.

(2) One (1) legislative member appointed by the minority leader of the house of representatives.
(3) One (1) legislative member appointed by the president pro tempore of the senate.

(4) One (1) legislative member appointed by the minority leader of the senate.

(5) One (1) representative of law enforcement, appointed by the speaker of the house of representatives as a nonvoting member.

(6) One (1) person having experience in the treatment of medical conditions by means of medical marijuana as a patient, physician, or caregiver, appointed by the president pro tempore of the senate as a nonvoting member.

(7) The commissioner of the department of revenue or the commissioner's designee, who serves as a nonvoting member.

(8) The director of the department of agriculture or the director's designee, who serves as a nonvoting member.

(9) The state health commissioner or the commissioner's designee, who serves as a nonvoting member.

(b) The chairperson of the legislative council shall annually select one (1) of the voting members to serve as chairperson.

Sec. 4. (a) A legislative member of the committee may be removed at any time by the appointing authority who appointed the legislative member.

(b) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy.

Sec. 5. Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

Sec. 6. The affirmative votes of a majority of the voting members appointed to the commission are required for the committee to take action on any measure, including final reports.

Sec. 7. The committee shall do the following:

(1) Review rules adopted by DOME.

(2) Review legislative proposals suggested by DOME.

(3) Evaluate the marijuana research and development program.

(4) Evaluate the operation of the medical marijuana program.

(5) Consider any other matter which has bearing on the operation of the medical marijuana program.

SECTION 2. IC 5-2-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) There is established the state
police training fund. The fund consists of amounts collected under IC 33-37-4-1(b)(4), IC 33-37-4-1(b)(3), IC 33-37-4-2(b)(3), and IC 33-37-4-3(b)(4) on behalf of the state police department.

(b) If the state police department files a claim under IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a county user fee fund, the fiscal officer of the city or town or the county auditor shall deposit fees collected under the cause numbers submitted by the state police department into the state police training fund established under this section.

(c) Claims against the state police training fund must be submitted in accordance with IC 5-11-10.

(d) Money in excess of one hundred dollars ($100) that is unencumbered and remains in the state police training fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of the state's fiscal year, be deposited in the law enforcement training fund established under IC 5-2-1-13(b).

(e) As used in this subsection, "abuse" has the meaning set forth in section 1(a) of this chapter. As a part of the state police department's in-service training, the department shall provide to each law enforcement officer employed by the department continuing education concerning the following:

(1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
(2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.
(3) Techniques for handling incidents of abuse that:
   (A) minimize the likelihood of injury to the law enforcement officer; and
   (B) promote the safety of a victim.
(4) Information about the nature and extent of the abuse.
(5) Information about the legal rights of and remedies available to victims of abuse.
(6) How to document and collect evidence in an abuse case.
(7) The legal consequences of abuse.
(8) The impact on children of law enforcement intervention in abuse cases.
(9) Services and facilities available to victims of abuse and abusers.
(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.
(11) Policies concerning arrest or release of suspects in abuse cases.
(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.
(13) Landlord-tenant concerns in abuse cases.
(14) The taking of an abused child into protective custody.
(15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.
(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).
(17) Response to a sudden, unexpected infant death.

The cost of providing continuing education under this subsection shall be paid from money in the state police training fund.

SECTION 3. IC 5-2-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) There is established the conservation officers training fund. The department of natural resources shall administer the fund. The fund consists of amounts collected under IC 33-37-4-1(b)(4), IC 33-37-4-1(b)(3), IC 33-37-4-2(b)(3), and IC 33-37-4-3(b)(4) on behalf of the department of natural resources.
(b) If the department of natural resources files a claim under IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a county user fee fund, the fiscal officer of the city or town or the county auditor shall deposit fees collected under the cause numbers submitted by the department of natural resources into the conservation officers training fund established under this section.
(c) Claims against the conservation officers training fund must be submitted in accordance with IC 5-11-10.
(d) Money in excess of one hundred dollars ($100) that is unencumbered and remains in the conservation officers' training fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of the state's fiscal year, be deposited in the law enforcement training fund established under IC 5-2-1-13(b).

SECTION 4. IC 5-2-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) There is established the alcoholic beverage enforcement officers' training fund. The alcohol and tobacco commission shall administer the fund. The fund consists of amounts collected under IC 33-37-4-1(b)(4), IC 33-37-4-1(b)(3), IC 33-37-4-2(b)(3), and IC 33-37-4-3(b)(4) on behalf of the alcohol and tobacco commission.
(b) If the alcohol and tobacco commission files a claim under IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a
county user fee fund, the fiscal officer of the city or town or the county
auditor shall deposit fees collected under the cause numbers submitted
by the alcohol and tobacco commission into the alcoholic beverage
enforcement officers' training fund established under this section.

(c) Claims against the alcoholic beverage enforcement officers'
training fund must be submitted in accordance with IC 5-11-10.

(d) Money in excess of one hundred dollars ($100) that is
unencumbered and remains in the alcoholic beverage enforcement
officers' training fund for at least one (1) entire calendar year from the
date of its deposit shall, at the end of the state's fiscal year, be deposited
in the law enforcement training fund established under IC 5-2-1-13(b).

SECTION 5. IC 6-7-3 IS REPEALED [EFFECTIVE JULY 1, 2015].

(Controlled Substance Excise Tax).

SECTION 6. IC 7.1-7 IS ADDED TO THE INDIANA CODE AS A
NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
2015]:

ARTICLE 7. MEDICAL MARIJUANA

Chapter 1. Definitions

Sec. 1. The following definitions apply throughout this article:

(1) "Adequate supply for treatment" means the amount of
marijuana necessary to provide care for a treatable medical
condition for a thirty (30) day period, as determined by a
physician recommendation.

(2) "DOME" means the department of marijuana
enforcement established under IC 7.1-8-2-1.

(3) "Marijuana" means any part of the plant genus Cannabis.

(4) "Medical marijuana card" means a valid card issued by
DOME that authorizes the person to whom the card is issued
to possess marijuana.

(5) "Physician" means a person holding an unlimited license
to practice medicine in Indiana.

(6) "Physician recommendation" means a written
recommendation that the use of marijuana may benefit a
particular patient suffering from a treatable medical
condition. A physician recommendation may establish an
adequate supply for treatment.

(7) "Qualified patient" means a person who has been issued
a medical marijuana card by DOME.

(8) "Qualified primary caregiver" means the primary
caregiver for a qualified patient who has been issued a
medical marijuana card by DOME on behalf of the qualified
patient.
(9) "Qualified researcher" means a person listed on a valid marijuana research license issued by DOME.

(10) "Treatable medical condition" means an illness or other condition whose symptoms (including the side effects and symptoms caused by any other treatment for the condition) may be treated by the use of marijuana. The term includes the following:

(A) Acquired immune deficiency syndrome (AIDS) or positive status for the human immunodeficiency virus (HIV).

(B) Anorexia.

(C) Arthritis.

(D) Cachexia.

(E) Cancer chronic pain.

(F) Glaucoma.

(G) Migraine.

(H) Persistent muscle spasms, including spasms associated with multiple sclerosis, Crohn's disease, or related conditions.

(I) Seizures, including those characteristic of epilepsy.

(J) Severe nausea.

(K) Post traumatic stress disorder.

(L) Any other illness or condition determined by DOME to be a treatable medical condition.

(M) Any persistent or chronic illness or condition that, in the opinion of a physician:

(i) substantially limits the ability of a person to conduct one (1) or more major life activities; or

(ii) may cause serious harm to the patient's safety or mental or physical health if not alleviated;

if the illness or condition may be improved by the use of marijuana.

Chapter 2. Qualified Patients and Qualified Caregivers

Sec. 1. (a) A person may apply to DOME to be a qualified patient or qualified primary caregiver if the person or person for whom the person provides care suffers from a treatable medical condition.

(b) To be approved as a qualified patient or qualified primary caregiver, a person must submit to DOME a physician recommendation stating that the person has a treatable medical condition.

(c) DOME shall issue a person a medical marijuana card
indicating the person is a qualified patient or qualified primary
caregiver after:
(1) receipt of:
   (A) a completed application; and
   (B) a physician recommendation;
(2) verification that the physician is a licensed physician; and
(3) compliance with any other rule adopted by DOME.
(d) An application for a medical marijuana card may be denied
for the following reasons:
(1) The application is not complete or required information is
   missing.
(2) The applicant submits false information.
(3) The applicant does not meet the criteria required to obtain
   a medical marijuana card.
(4) The person who tendered the physician recommendation
   is not a licensed physician.
(e) A medical marijuana card issued under this section is valid
for two (2) years, unless the physician recommendation expressly
recommends a shorter time period.
(f) DOME may charge a reasonable fee, not to exceed one
   hundred dollars ($100), to apply for a medical marijuana card. The
   fee shall be deposited in the state general fund.
(g) Except as provided in subsection (h), for purposes of
IC 5-14-3-4(a)(1), the following information is confidential, may
not be published, and is not open to public inspection:
(1) Information submitted by a person under this section to
obtain a medical marijuana card.
(2) Information obtained by a federal, state, or local
government entity in the course of an investigation concerning
a person who applies to obtain a medical marijuana card.
(3) The name, address, and any other information that may be
used to identify a person who holds a medical marijuana card.
(h) Notwithstanding subsection (g):
(1) any information concerning a person who applies for or a
person who holds a medical marijuana card may be released
 to a federal, state, or local government entity:
   (A) for law enforcement purposes; or
   (B) to determine the validity of a medical marijuana card;
and
(2) general information concerning the issuance of a medical
marijuana card in Indiana may be released to a person
conducting journalistic or academic research (including the
research program described in IC 7.1-8-4-5), but only if all
personal information that could disclose the identity of any
person who applies for or holds a medical marijuana card
issued under this chapter has been removed from the general
information.

(i) A person who knowingly or intentionally violates this section
by releasing confidential information commits a disclosure of
confidential medical information, a Class B misdemeanor.

(j) A person who knowingly makes a material misstatement in
an application for a medical marijuana card under this section
commits fraudulent application for a medical marijuana card, a
Class B misdemeanor.

Sec. 2. A qualified patient or qualified primary caregiver may:
(1) possess the greater of:
(A) eight (8) ounces or less of dried marijuana; or
(B) an adequate supply for treatment; and
(2) possess, grow, or cultivate not more than twelve (12)
marijuana plants.

Sec. 3. (a) A qualified primary caregiver may deliver to, or
possess with intent to deliver to, a qualified patient for whom the
caregiver is the primary caregiver:
(1) the greater of:
(A) eight (8) ounces or less of dried marijuana; or
(B) an adequate supply for treatment; and
(2) not more than twelve (12) marijuana plants.

(b) A qualified primary caregiver may possess, grow, or
cultivate not more than twelve (12) marijuana plants for use by a
qualified patient for whom the person is the primary caregiver.

Sec. 4. The medical licensing board may not take an adverse
action against a physician who makes a physician recommendation
in good faith under this article solely on the basis of the physician
recommendation.

SECTION 7. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A
NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
2015]:

ARTICLE 8. DEPARTMENT OF MARIJUANA
ENFORCEMENT

Chapter 1. Definitions
Sec. 1. The definitions in IC 7.1-7-1-1 apply throughout this
article.

Chapter 2. General Provisions
Sec. 1. The department of marijuana enforcement (DOME) is
established as an agency of the state for purposes of administering
the medical marijuana program.

Sec. 2. DOME is composed of four (4) commissioners who meet
the qualifications described in section 4 of this chapter.

Sec. 3. (a) DOME commissioners shall be appointed by the
governor.
       (b) A commissioner is eligible for reappointment.
       (c) Not more than two (2) commissioners may belong to the
           same political party.
       (d) A commissioner shall be appointed to a four (4) year term.
       (e) A commissioner serves the commissioner's term at the
           pleasure of the governor.

Sec. 4. To be eligible for appointment as a commissioner, a
person must possess the following qualifications:
       (1) The person may not be employed by the state in any other
           capacity.
       (2) The person must have a good moral character.
       (3) The person must have been a resident of Indiana for at
           least ten (10) years immediately preceding the person's
           appointment.

Sec. 5. The governor shall appoint one (1) commissioner to serve
as chairperson of DOME, and another commissioner to serve as
vice chairperson. The vice chairperson shall act as the chairperson
if the chairperson is absent.

Sec. 6. A person appointed to fill a vacancy in the membership
of DOME shall serve only for the unexpired portion of the original,
vacated term. In all other respects, an appointment to fill a
vacancy shall be made in the same manner that an original
appointment is made.

Sec. 7. As compensation for services, each commissioner is
entitled to the minimum salary per diem provided by
IC 4-10-11-2.1(b). The commissioner is also entitled to
reimbursement for traveling expenses as provided under
IC 4-13-1-4 and other expenses actually incurred in connection
with the commissioner's duties as provided in the state policies and
procedures established by the Indiana department of
administration and approved by the budget agency.

Sec. 8. Each commissioner shall execute:
       (1) a surety bond in the amount of ten thousand dollars
           ($10,000), with surety approved by the governor; and
       (2) an oath of office.
The surety bond and the oath of office shall be filed in the office of
the secretary of state.

Sec. 9. The required surety bond executed and filed on behalf of
a commissioner shall be made payable to the state of Indiana and
conditioned upon the faithful discharge of the commissioner's
duties.

Sec. 10. DOME shall hold meetings at the call of the
chairperson. DOME may establish rules governing meetings.

Sec. 11. (a) Three (3) members of DOME constitute a quorum
for the transaction of business.

(b) Each commissioner has one (1) vote.

(c) Action of DOME may be taken only upon the affirmative
votes of at least two (2) commissioners. If a vote of the commission
is a tie, the position for which the chairperson voted prevails, as
long as that position has received the affirmative votes of at least
two (2) commissioners.

Sec. 12. A commissioner may not solicit or accept a political
contribution from a qualified patient, qualified primary caregiver,
or from any person or entity that has a permit or has applied for
a permit issued by the commission. However, the right of a
commissioner to vote as the commissioner chooses and to express
the commissioner's opinions on political subjects and candidates
may not be impaired.

Chapter 3. Employees and Administration

Sec. 1. (a) DOME shall appoint an executive director to aid
DOME in the efficient administration of its powers and duties.

(b) DOME shall fix the salary of the executive director, subject
to the approval of the budget agency.

Sec. 2. DOME shall have the power to employ all necessary
employees, to determine their duties, and, subject to the approval
of the budget agency, to fix their salaries.

Chapter 4. Powers and Duties

Sec. 1. The chairperson shall be the presiding officer at the
meetings of the commission. The chairperson, together with the
executive director, shall prepare, certify, and authenticate all
proceedings, minutes, records, rules, and regulations of the
commission. The chairman also shall perform all other duties as
imposed by this title.

Sec. 2. DOME has the power to organize its work, to enforce
and administer the provisions of this article and IC 7.1-7, and to
enforce and administer the rules adopted by DOME.

Sec. 3. DOME shall adopt rules under IC 4-22-2 to prescribe the
forms for all applications, documents, permits, and licenses used in
the administration of this article and IC 7.1-7.

Sec. 4. DOME has the following powers:

(1) To hold hearings before DOME or its representative.
(2) To take testimony and receive evidence.
(3) To conduct inquiries with or without a hearing.
(4) To receive reports of investigators or other governmental officers and employees.
(5) To administer oaths.
(6) To subpoena witnesses and to compel them to appear and testify.
(7) To certify copies of records of the commission or any other document or record on file with the commission.
(8) To fix the form, mode, manner, time, and number of times for the posting or publication of any required notices if not otherwise provided.
(9) To adopt rules under IC 4-22-2 to carry out this article and IC 7.1-7.

Sec. 5. DOME has the following duties:

(1) To establish the medical marijuana program described in IC 7.1-7 and to adopt all necessary rules to implement the program.
(2) To implement protocols for the issuance of the medical marijuana card (as defined in IC 7.1-7-1-1), including protocols to:
   (A) prevent fraud;
   (B) ensure the accuracy of information contained in the application; and
   (C) protect the privacy of an applicant.
(3) To advise the general assembly concerning the establishment of a program for the:
   (A) manufacture;
   (B) cultivation;
   (C) transportation; and
   (D) dispensing;
   of medical marijuana.
(4) To encourage research concerning medical marijuana as described in IC 7.1-8-5.
(2) a pharmaceutical or agricultural business having a research facility in Indiana;

may apply for a license to conduct research concerning medical marijuana.

Sec. 2. An application under this chapter must include the following:

(1) The nature of the research project.

(2) The names of the persons who will conduct the research.

(3) The approximate quantity of marijuana that will be used.

(4) The security protocol to ensure that marijuana is not diverted.

(5) Any other information required by DOME.

Sec. 3. Upon receipt of a completed application, DOME may issue a research license to the institution or business. The research license must specifically list the names of every person who will have custody or control of marijuana for research purposes.

Sec. 4. DOME may charge a reasonable fee for issuance of a research license.

SECTION 8. IC 15-16-7-8 IS REPEALED [EFFECTIVE JULY 1, 2015].

Sec. 8. In addition to the weed control board's powers and duties under section 7 of this chapter, the weed control board may establish a marijuana eradication program to eliminate and destroy wild marijuana plants within the county. The program is funded by amounts appropriated by the county:

(1) under IC 33-37-8; and

(2) from the county general fund.

SECTION 9. IC 33-37-4-1, AS AMENDED BY P.L.182-2009(ss), SECTION 392, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:
Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars ($120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A marijuana eradication program fee (IC 33-37-5-7).

(3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).

(4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
(4) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).

(5) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(6) A child abuse prevention fee (IC 33-37-5-12).

(7) A domestic violence prevention and treatment fee (IC 33-37-5-13).

(8) A highway work zone fee (IC 33-37-5-14).

(9) A deferred prosecution fee (IC 33-37-5-17).

(10) A document storage fee (IC 33-37-5-20).

(11) An automated record keeping fee (IC 33-37-5-21).

(12) A late payment fee (IC 33-37-5-22).

(13) A sexual assault victims assistance fee (IC 33-37-5-23).

(14) A public defense administration fee (IC 33-37-5-21.2).

(15) A judicial insurance adjustment fee (IC 33-37-5-25).

(16) A judicial salaries fee (IC 33-37-5-26).

(17) A court administration fee (IC 33-37-5-27).

(18) A DNA sample processing fee (IC 33-37-5-26.2).

c) Instead of the criminal costs fee prescribed by this section, except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person.

The pretrial diversion program fee is:

1. an initial user's fee of fifty dollars ($50); and
2. a monthly user's fee of ten dollars ($10) for each month that the person remains in the pretrial diversion program.

d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:

1. The pretrial diversion fee.
2. The marijuana eradication program fee.
3. The alcohol and drug services program user fee.
4. The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

1. The clerk shall apply the partial payment to general court costs.
2. If there is money remaining after the partial payment is
applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the appropriate county user fee fund.

(3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.

(4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.

(5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

SECTION 10. IC 33-37-4-3, AS AMENDED BY P.L.176-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars ($120) for each action filed under any of the following:

(1) IC 31-34 (children in need of services).
(2) IC 31-37 (delinquent children).
(3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
(2) A marijuana eradication program fee (IC 33-37-5-7).
(3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
(4) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
(5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
(6) A document storage fee (IC 33-37-5-20).
(7) An automated record keeping fee (IC 33-37-5-21).
(8) A late payment fee (IC 33-37-5-22).
(9) A public defense administration fee (IC 33-37-5-21.2).
(10) A judicial insurance adjustment fee (IC 33-37-5-25).
(11) A judicial salaries fee (IC 33-37-5-26).
(12) A court administration fee (IC 33-37-5-27).
(13) A DNA sample processing fee (IC 33-37-5-26.2).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:
(1) The marijuana eradication program fee (IC 33-37-5-7).
(2) (1) The alcohol and drug services program user fee
   (IC 33-37-5-8(b)).
(3) (2) The law enforcement continuing education program fee
   (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate
user fee fund established under IC 33-37-8.

SECTION 11. IC 33-37-5-7 IS REPEALED [EFFECTIVE JULY 1,
2015]. Sec. 7. (a) This section applies to criminal actions:
   (b) The clerk shall collect the marijuana eradication program fee set
       by the court under IC 15-16-7-8; if:
       (1) a weed control board has been established in the county under
           IC 15-16-7-3; and
       (2) the person has been convicted of an offense under IC 35-48-4
           in a case prosecuted in that county.
   (e) The court may set a fee under this section of not more than three
       hundred dollars ($300):

   SECTION 12. IC 33-37-7-2, AS AMENDED BY P.L.284-2013,
   SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
   JULY 1, 2015]: Sec. 2. (a) The clerk of a circuit court shall distribute
   semiannually to the auditor of state as the state share for deposit in the
   homeowner protection unit account established by IC 4-6-12-9 one
   hundred percent (100%) of the automated record keeping fees collected
   under IC 33-37-5-21 with respect to actions resulting in the accused
   person entering into a pretrial diversion program agreement under
   IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and
   for deposit in the state general fund seventy percent (70%) of the
   amount of fees collected under the following:
   (1) IC 33-37-4-1(a) (criminal costs fees).
   (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
   (3) IC 33-37-4-3(a) (juvenile costs fees).
   (4) IC 33-37-4-4(a) (civil costs fees).
   (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
   (6) IC 33-37-4-7(a) (probate costs fees).
   (7) IC 33-37-5-17 (deferred prosecution fees).
   (b) The clerk of a circuit court shall distribute semiannually to the
       auditor of state for deposit in the state user fee fund established in
       IC 33-37-9-2 the following:
       (1) Twenty-five percent (25%) of the drug abuse, prosecution,
           interdiction, and correction fees collected under
           IC 33-37-4-1(b)(5); IC 33-37-4-1(b).
       (2) Twenty-five percent (25%) of the alcohol and drug
countermeasures fees collected under IC 33-37-4-1(b)(6),
IC 33-37-4-1(b), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
(3) One hundred percent (100%) of the child abuse prevention
fees collected under IC 33-37-4-1(b)(7).
(4) One hundred percent (100%) of the domestic violence
prevention and treatment fees collected under IC 33-37-4-1(b)(8).
(5) One hundred percent (100%) of the highway work zone fees
collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
(6) One hundred percent (100%) of the safe schools fee collected
under IC 33-37-5-18.
(7) The following:
(A) For a county operating under the state's automated judicial
system, one hundred percent (100%) of the automated record
keeping fee (IC 33-37-5-21) not distributed under subsection
(a).
(B) This clause applies before July 1, 2013, and after June 30,
2015. For a county not operating under the state's automated
judicial system, eighty percent (80%) of the automated record
keeping fee (IC 33-37-5-21) not distributed under subsection
(a).
(C) This clause applies after June 30, 2013, and before July 1,
2015. For a county not operating under the state's automated
judicial system, five dollars ($5) of the automated record
keeping fee (IC 33-37-5-21) not distributed under subsection
(a).
(c) The clerk of a circuit court shall distribute monthly to the county
auditor the following:
(1) Seventy-five percent (75%) of the drug abuse, prosecution,
interdiction, and correction fees collected under
IC 33-37-4-1(b)(5), IC 33-37-4-1(b).
(2) Seventy-five percent (75%) of the alcohol and drug
countermeasures fees collected under IC 33-37-4-1(b)(6),
IC 33-37-4-1(b), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
IC 33-37-4-3(b).
The county auditor shall deposit fees distributed by a clerk under this
subsection into the county drug free community fund established under
IC 5-2-11.
(d) The clerk of a circuit court shall distribute monthly to the county
auditor one hundred percent (100%) of the late payment fees collected
under IC 33-37-5-22. The county auditor shall deposit fees distributed
by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county
fiscal body, the county auditor shall deposit forty percent (40%)
of the fees in the clerk's record perpetuation fund established
under IC 33-37-5-2 and sixty percent (60%) of the fees in the
county general fund.

(2) If the county fiscal body has not adopted an ordinance
described in subdivision (1), the county auditor shall deposit all
the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the
auditor of state for deposit in the sexual assault victims assistance
account established by IC 5-2-6-23(h) one hundred percent (100%) of
the sexual assault victims assistance fees collected under
IC 33-37-5-23.

(f) The clerk of a circuit court shall distribute monthly to the county
auditor the following:

(1) One hundred percent (100%) of the support and maintenance
fees for cases designated as non-Title IV-D child support cases in
the Indiana support enforcement tracking system (ISETS) or the
successor statewide automated support enforcement system
collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for
cases designated as Title IV-D child support cases in ISETS or the
successor statewide automated support enforcement system
collected under IC 33-37-5-6 that is reimbursable to the county at
the federal financial participation rate.

The county clerk shall distribute monthly to the department of child
services the percentage share of the support and maintenance fees for
cases designated as Title IV-D child support cases in ISETS, or the
successor statewide automated support enforcement system, collected
under IC 33-37-5-6 that is not reimbursable to the county at the
applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county
auditor the following:

(1) One hundred percent (100%) of the small claims service fee
under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
the county general fund.

(2) One hundred percent (100%) of the small claims garnishee
service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
deposit in the county general fund.

(h) This subsection does not apply to court administration fees
collected in small claims actions filed in a court described in IC 33-34.

The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

1. The public defense administration fee collected under IC 33-37-5-21.2.
2. The judicial salaries fees collected under IC 33-37-5-26.
3. The DNA sample processing fees collected under IC 33-37-5-26.2.
4. The court administration fees collected under IC 33-37-5-27.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(j) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

1. The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.
2. The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(k) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

1. The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.
2. The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the following:

1. The mortgage foreclosure counseling and education fees collected under IC 33-37-5-32 (before its expiration on January 1, 2015).
2. Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under
IC 32-30-10.5.

(m) This subsection applies to a county that is not operating under the state's automated judicial system. The clerk of a circuit court shall distribute monthly to the county auditor the following part of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a) for deposit in the clerk's record perpetuation fund:

(1) Twenty percent (20%), before July 1, 2013, and after June 30, 2015.

(2) Two dollars ($2) of each fee collected, after June 30, 2013, and before July 1, 2015.

(n) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 13. IC 33-37-7-8, AS AMENDED BY P.L.136-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund.
fifty-five percent (55%) of the amount of fees collected under the following:
1. IC 33-37-4-1(a) (criminal costs fees).
2. IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
3. IC 33-37-4-4(a) (civil costs fees).
4. IC 33-37-4-6(a)(1)(A) (small claims costs fees).
5. IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:
1. IC 33-37-4-1(a) (criminal costs fees).
2. IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
3. IC 33-37-4-4(a) (civil costs fees).
4. IC 33-37-4-6(a)(1)(A) (small claims costs fees).
5. IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:
1. IC 33-37-4-1(a) (criminal costs fees).
2. IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
3. IC 33-37-4-4(a) (civil costs fees).
4. IC 33-37-4-6(a)(1)(A) (small claims costs fees).
5. IC 33-37-5-17 (deferred prosecution fees).

(d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:
1. Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
2. Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-1(b), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b).
3. One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
4. One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
5. One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(e) The clerk of a city or town court shall distribute monthly to the county auditor the following:

2015   IN 284—LS 6356/DI 106
(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5), IC 33-37-4-1(b).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-1(b), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

IC 33-37-4-3(b).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the following:

(1) The late payment fees collected under IC 33-37-5-22.

(2) The small claims service fee collected under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

(3) The small claims garnishee service fee collected under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The DNA sample processing fees collected under IC 33-37-5-26.2.

(3) The court administration fees collected under IC 33-37-5-27.

(h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26. The funds retained by the city or town shall be prioritized to fund city or town court operations.

(j) The clerk of a city or town court shall distribute semiannually to
the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 14. IC 33-37-8-5, AS AMENDED BY P.L.187-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A county user fee fund is established in each county to finance various program services. The county fund is administered by the county auditor.

(b) The county fund consists of the following fees collected by a clerk under this article and by the probation department for the juvenile court under IC 31-37-9-9:

(1) The pretrial diversion program fee.

(2) The informal adjustment program fee.

(3) The marijuana eradication program fee.

(4) The alcohol and drug services program fee.

(5) The law enforcement continuing education program fee.

(6) The deferral program fee.

(7) The jury fee.

(8) The problem solving court fee.

(c) All of the jury fee and two dollars ($2) of a deferral program fee collected under IC 33-37-4-2(e) shall be deposited by the county auditor in the jury pay fund established under IC 33-37-11.

SECTION 15. IC 35-48-4-8.3, AS AMENDED BY P.L.158-2013, SECTION 635, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2015]: Sec. 8.3. (a) A person who possesses a raw material, an instrument, a device, or other object that the person intends to use for:
   (1) introducing into the person's body a controlled substance;
   (2) testing the strength, effectiveness, or purity of a controlled substance; or
   (3) enhancing the effect of a controlled substance;
in violation of this chapter commits a Class A infraction for possessing paraphernalia.
(b) A person who knowingly or intentionally violates subsection (a) commits a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated judgment or conviction under this section.
(c) It is a defense to an action or prosecution under this section that:
   (1) the person who possesses the raw material, instrument, device, or other object is a:
      (A) qualified patient (as defined in IC 7.1-7-1-1) or qualified primary caregiver (as defined in IC 7.1-7-1-1); or
      (B) qualified researcher (as defined in IC 7.1-7-1-1); and
   (2) the device is for the use of medical marijuana or research relating to the use of medical marijuana.

SECTION 16. IC 35-48-4-10, AS AMENDED BY P.L.168-2014, SECTION 100, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2015]: Sec. 10. (a) A person who:
   (1) knowingly or intentionally:
      (A) manufactures;
      (B) finances the manufacture of;
      (C) delivers; or
      (D) finances the delivery of;
marijuana, hash oil, hashish, or salvia, pure or adulterated; or
   (2) possesses, with intent to:
      (A) manufacture;
      (B) finance the manufacture of;
      (C) deliver; or
      (D) finance the delivery of;
marijuana, hash oil, hashish, or salvia, pure or adulterated;
commits dealing in marijuana, hash oil, hashish, or salvia, a Class A misdemeanor, except as provided in subsections (b) through (d).
(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver,
or finance the delivery of the drug.

(c) The offense is a Level 6 felony if:
   (1) the person has a prior conviction for a drug offense and the
       amount of the drug involved is:
       (A) less than thirty (30) grams of marijuana; or
       (B) less than five (5) grams of hash oil, hashish, or salvia; or
   (2) the amount of the drug involved is:
       (A) at least thirty (30) grams but less than ten (10) pounds of
           marijuana; or
       (B) at least five (5) grams but less than three hundred (300)
           grams of hash oil, hashish, or salvia.

(d) The offense is a Level 5 felony if:
   (1) the person has a prior conviction for a drug dealing offense
       and the amount of the drug involved is:
       (A) at least thirty (30) grams but less than ten (10) pounds of
           marijuana; or
       (B) at least five (5) grams but less than three hundred (300)
           grams of hash oil, hashish, or salvia; or
   (2) the:
       (A) amount of the drug involved is:
           (i) at least ten (10) pounds of marijuana; or
           (ii) at least three hundred (300) grams of hash oil, hashish,
                or salvia; or
       (B) offense involved a sale to a minor.

(e) It is a defense to a prosecution under this section for an
    offense involving marijuana, hashish, or hash oil that the person is
    a:
    (1) qualified primary caregiver (as defined under
        IC 7.1-7-1-1), if:
        (A) the possession or delivery of the marijuana, hashish, or
            hash oil is permitted under IC 7.1-7-2-3; and
        (B) the quantity of marijuana, hashish, or hash oil
            possessed or delivered does not exceed the permissible
            amounts set forth in IC 7.1-7-2-3; or
    (2) qualified researcher (as defined under IC 7.1-7-1-1), if:
        (A) the possession or delivery of the marijuana, hashish, or
            hash oil is permitted by the research license issued by
            DOME; and
        (B) the quantity of marijuana, hashish, or hash oil
            possessed or delivered does not exceed the permissible
            quantity authorized by the research license.
P.L.226-2014(ts), SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) A person who:
   (1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, or salvia;
   (2) knowingly or intentionally grows or cultivates marijuana; or
   (3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;
   commits possession of marijuana, hash oil, hashish, or salvia, a Class B misdemeanor, except as provided in subsections (b) through (c).
   (b) The offense described in subsection (a) is a Class A misdemeanor if the person has a prior conviction for a drug offense.
   (c) The offense described in subsection (a) is a Level 6 felony if:
       (1) the person has a prior conviction for a drug offense; and
       (2) the person possesses:
           (A) at least thirty (30) grams of marijuana; or
           (B) at least five (5) grams of hash oil, hashish, or salvia.
   (d) It is a defense to a prosecution under this section for an offense involving marijuana, hashish, or hash oil that the person is:
       (1) qualified patient (as defined under IC 7.1-7-1-1) or qualified primary caregiver (as defined under IC 7.1-7-1-1), if:
           (A) the possession of the marijuana, hashish, or hash oil is permitted under IC 7.1-7-2-2; and
           (B) the quantity of marijuana, hashish, or hash oil possessed or cultivated does not exceed the permissible amounts set forth in IC 7.1-7-2-2; or
       (2) qualified researcher (as defined under IC 7.1-7-1-1), if:
           (A) the possession or cultivation of the marijuana, hashish, or hash oil is permitted by the research license issued by DOME; and
           (B) the quantity of marijuana, hashish, or hash oil possessed or cultivated does not exceed the permissible quantity authorized by the research license.

SECTION 18. IC 35-52-7-97 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 97. IC 7.1-7-2-1 defines a crime concerning medical marijuana.