

HOUSE BILL No. 1487

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47.

Synopsis: Carrying of a handgun. Requires a person who carries a handgun to obtain and continuously maintain a liability insurance policy that covers losses or damages resulting from the negligent or accidental use of the handgun. Makes the failure to do so a Class A misdemeanor, elevated to a Level 5 felony in some instances. Specifies exceptions.

Effective: July 1, 2023.

Smith V

January 17, 2023, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1487

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 35-47-2-1.5, AS ADDED BY P.L.175-2022,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 1.5. (a) The following terms are defined for this
4 section:
5 (1) "Adjudicated a mental defective" means a determination by a
6 court that a person:
7 (A) presents a danger to the person or to others; or
8 (B) lacks the mental capacity necessary to contract or manage
9 the person's affairs.
10 The term includes a finding of insanity by a court in a criminal
11 proceeding.
12 (2) "Alien" means any person who is not lawfully in the United
13 States. The term includes:
14 (A) any person who has:
15 (i) entered the United States without inspection and
16 authorization by an immigration officer; and
17 (ii) not been paroled into the United States under the federal



- 1 Immigration and Nationality Act;
 2 (B) a nonimmigrant:
 3 (i) whose authorized period of stay has expired; or
 4 (ii) who has violated the terms of the nonimmigrant category
 5 under which the person was admitted;
 6 (C) a person paroled under the federal Immigration and
 7 Nationality Act whose period of parole has:
 8 (i) expired; or
 9 (ii) been terminated; and
 10 (D) a person subject to an order:
 11 (i) of deportation, exclusion, or removal; or
 12 (ii) to depart the United States voluntarily;
 13 regardless of whether or not the person has left the United
 14 States.
 15 (3) "Committed to a mental institution" means the formal
 16 commitment of a person to a mental institution by a court. The
 17 term includes:
 18 (A) a commitment for:
 19 (i) a cognitive or mental defect; or
 20 (ii) a mental illness; and
 21 (B) involuntary commitments.
 22 The term does not include voluntary commitments or a
 23 commitment made for observational purposes.
 24 (4) "Crime of domestic violence" has the meaning set forth in
 25 IC 35-31.5-2-78.
 26 (5) "Dangerous" has the meaning set forth in IC 35-47-14-1.
 27 (6) "Fugitive from justice" means any person who:
 28 (A) flees or leaves from any state to avoid prosecution for a
 29 felony or misdemeanor offense; or
 30 (B) flees or leaves any state to avoid testifying in a criminal
 31 proceeding.
 32 (7) "Indictment" means any formal accusation of a crime made by
 33 a prosecuting attorney in any court for a crime punishable by a
 34 term of imprisonment exceeding one (1) year.
 35 (8) A crime or offense "punishable by a term of imprisonment
 36 exceeding one (1) year" does not include a federal or state crime
 37 or offense pertaining to antitrust violations, unfair trade practices,
 38 restraints of trade, or other similar offenses relating to the
 39 regulation of business practices.
 40 (b) Except as provided in subsections (c) and (d), the following
 41 persons may not knowingly or intentionally carry a handgun:
 42 (1) A person convicted of a federal or state offense punishable by



- 1 a term of imprisonment exceeding one (1) year.
- 2 (2) A fugitive from justice.
- 3 (3) An alien.
- 4 (4) A person convicted of:
- 5 (A) a crime of domestic violence (IC 35-31.5-2-78);
- 6 (B) domestic battery (IC 35-42-2-1.3); or
- 7 (C) criminal stalking (IC 35-45-10-5).
- 8 (5) A person restrained by an order of protection issued under
- 9 IC 34-26-5.
- 10 (6) A person under indictment.
- 11 (7) A person who has been:
- 12 (A) adjudicated dangerous under IC 35-47-14-6;
- 13 (B) adjudicated a mental defective; or
- 14 (C) committed to a mental institution.
- 15 (8) A person dishonorably discharged from:
- 16 (A) military service; or
- 17 (B) the National Guard.
- 18 (9) A person who renounces the person's United States citizenship
- 19 in the manner described in 8 U.S.C. 1481.
- 20 (10) A person who is less than:
- 21 (A) eighteen (18) years of age; or
- 22 (B) twenty-three (23) years of age and has an adjudication as
- 23 a delinquent child for an act described by IC 35-47-4-5;
- 24 unless authorized under IC 35-47-10.
- 25 **(11) A person who fails to meet the requirements described in**
- 26 **IC 35-47-4-10(b), unless the person is excepted from those**
- 27 **requirements under IC 35-47-4-10(a).**
- 28 (c) Subsection (b)(4)(A) and (b)(4)(B) does not apply to a person if
- 29 a court has restored the person's right to possess a firearm under
- 30 IC 35-47-4-7.
- 31 (d) A person who has:
- 32 (1) been adjudicated dangerous under IC 35-47-14-6; and
- 33 (2) successfully petitioned for the return of a firearm under
- 34 IC 35-47-14-8 with respect to the adjudication under subdivision
- 35 (1);
- 36 is not prohibited from carrying a handgun under subsection (b) on the
- 37 basis that the person was adjudicated dangerous under subdivision (1).
- 38 However, the person may still be prohibited from carrying a handgun
- 39 on one (1) or more of the other grounds listed in subsection (b).
- 40 (e) A person who violates this section commits unlawful carrying of
- 41 a handgun, a Class A misdemeanor. However, the offense is a Level 5
- 42 felony if:



- 1 (1) the offense is committed:
 2 (A) on or in school property;
 3 (B) within five hundred (500) feet of school property; or
 4 (C) on a school bus; or
 5 (2) the person:
 6 (A) has a prior conviction of any offense under:
 7 (i) this section;
 8 (ii) section 1 of this chapter (carrying a handgun without a
 9 license) (before its repeal); or
 10 (iii) section 22 of this chapter; or
 11 (B) has been convicted of a felony within fifteen (15) years
 12 before the date of the offense.
- 13 SECTION 2. IC 35-47-4-10 IS ADDED TO THE INDIANA CODE
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2023]: **Sec. 10. (a) This section does not apply to the following:**
 16 **(1) A person who holds a valid license to carry a handgun**
 17 **under IC 35-47-2-3.**
 18 **(2) A person who carries a handgun in the manner described**
 19 **in IC 35-47-2-1(b).**
 20 **(3) Marshals.**
 21 **(4) Sheriffs.**
 22 **(5) The commissioner of the department of correction or**
 23 **persons authorized by the commissioner in writing to carry**
 24 **firearms.**
 25 **(6) Judicial officers.**
 26 **(7) Law enforcement officers.**
 27 **(8) Members of the armed forces of the United States or of the**
 28 **national guard or organized reserves while on duty.**
 29 **(9) Regularly enrolled members of any organization duly**
 30 **authorized to purchase or receive such weapons from the**
 31 **United States or from this state who are at or are going to or**
 32 **from their place of assembly or target practice.**
 33 **(10) Employees of the United States duly authorized to carry**
 34 **handguns.**
 35 **(11) Employees of express companies when engaged in**
 36 **company business.**
 37 **(12) Any person engaged in the business of manufacturing,**
 38 **repairing, or dealing in firearms or the agent or**
 39 **representative of any such person having in the person's**
 40 **possession, using, or carrying a handgun in the usual or**
 41 **ordinary course of that business.**
 42 **(13) A person who:**



- 1 **(A) has applied for a license to carry a handgun as**
- 2 **described in IC 35-47-2-3;**
- 3 **(B) has been protected by a civil protection order issued**
- 4 **under IC 34-26-5 for not more than sixty (60) days;**
- 5 **(C) is at least eighteen (18) years of age; and**
- 6 **(D) is not otherwise barred by state or federal law from**
- 7 **possessing a handgun.**
- 8 **(b) A person who carries a handgun shall obtain and**
- 9 **continuously maintain a liability insurance policy that covers losses**
- 10 **or damages resulting from the negligent or accidental use of the**
- 11 **handgun, including death, injury, or property damage.**

