

HOUSE BILL No. 1424

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 10-13-3-40; IC 11-9-2-4; IC 11-13-1-3.5; IC 14-16-1-23; IC 21-17-5-6; IC 21-39-4-7; IC 31-30-1-4; IC 35-31.5-2; IC 35-33-1-1; IC 35-47; IC 35-50-2-13.

Synopsis: Requirements to carry a handgun without a permit. Repeals the law that requires a person to obtain a license to carry a handgun in Indiana. Provides that a resident of Indiana who is not otherwise prohibited from carrying or possessing a handgun may carry a handgun without first obtaining or possessing a license to carry a handgun from the state. Makes an appropriation to the state police department in certain instances. Requires a resident who carries a handgun without a license to carry a form of state issued identification. Provides that a resident who carries a handgun without state issued identification commits a Class C infraction. Prohibits certain individuals from knowingly or intentionally carrying a handgun. Creates the crime of "unlawful carrying of a handgun by a prohibited possessor". Provides that a prohibited possessor who knowingly or intentionally carries a handgun commits a Class A misdemeanor. Specifies that the unlawful carrying of a handgun by a prohibited possessor is a Level 6 felony if the person has a prior unrelated conviction for unlawful carrying of a handgun by a prohibited possessor. Specifies that the crime of unlawful carrying of a handgun by a prohibited possessor is a Level 4 felony if the person: (1) is less than 23 years of age; and (2) has an adjudication as a delinquent child for certain acts. Eliminates the licensing fee for a four year handgun license. Eliminates the requirement mandating the submission of fingerprints when applying for a handgun license. Allows a resident of Indiana who wishes to carry a firearm in another state under a reciprocity agreement entered into by Indiana and the other state to obtain an Indiana license to carry a handgun from the superintendent of the state police department. Defines certain terms. Makes conforming amendments.

Effective: July 1, 2018.

Wesco, Smaltz

January 16, 2018, read first time and referred to Committee on Public Policy.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1424

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-1-9, AS AMENDED BY THE TECHNICAL
2 CORRECTIONS BILL OF THE 2018 GENERAL ASSEMBLY, IS
3 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:
4 Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all
5 necessary rules to carry out the provisions of this chapter. The rules,
6 which shall be adopted only after necessary and proper investigation
7 and inquiry by the board, shall include the establishment of the
8 following:
9 (1) Minimum standards of physical, educational, mental, and
10 moral fitness which shall govern the acceptance of any person for
11 training by any law enforcement training school or academy
12 meeting or exceeding the minimum standards established
13 pursuant to this chapter.
14 (2) Minimum standards for law enforcement training schools
15 administered by towns, cities, counties, law enforcement training
16 centers, agencies, or departments of the state.
17 (3) Minimum standards for courses of study, attendance



- 1 requirements, equipment, and facilities for approved town, city,
2 county, and state law enforcement officer, police reserve officer,
3 and conservation reserve officer training schools.
- 4 (4) Minimum standards for a course of study on cultural diversity
5 awareness, including training on the U nonimmigrant visa created
6 through the federal Victims of Trafficking and Violence
7 Protection Act of 2000 (P.L. 106-386) that must be required for
8 each person accepted for training at a law enforcement training
9 school or academy. Cultural diversity awareness study must
10 include an understanding of cultural issues related to race,
11 religion, gender, age, domestic violence, national origin, and
12 physical and mental disabilities.
- 13 (5) Minimum qualifications for instructors at approved law
14 enforcement training schools.
- 15 (6) Minimum basic training requirements which law enforcement
16 officers appointed to probationary terms shall complete before
17 being eligible for continued or permanent employment.
- 18 (7) Minimum basic training requirements which law enforcement
19 officers appointed on other than a permanent basis shall complete
20 in order to be eligible for continued employment or permanent
21 appointment.
- 22 (8) Minimum basic training requirements which law enforcement
23 officers appointed on a permanent basis shall complete in order
24 to be eligible for continued employment.
- 25 (9) Minimum basic training requirements for each person
26 accepted for training at a law enforcement training school or
27 academy that include six (6) hours of training in interacting with:
28 (A) persons with autism, mental illness, addictive disorders,
29 intellectual disabilities, and developmental disabilities;
30 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
31 and
32 (C) persons with Alzheimer's disease or related senile
33 dementia;
- 34 to be provided by persons approved by the secretary of family and
35 social services and the board. The training must include an
36 overview of the crisis intervention teams.
- 37 (10) Minimum standards for a course of study on human and
38 sexual trafficking that must be required for each person accepted
39 for training at a law enforcement training school or academy and
40 for inservice training programs for law enforcement officers. The
41 course must cover the following topics:
42 (A) Examination of the human and sexual trafficking laws



- 1 (IC 35-42-3.5).
- 2 (B) Identification of human and sexual trafficking.
- 3 (C) Communicating with traumatized persons.
- 4 (D) Therapeutically appropriate investigative techniques.
- 5 (E) Collaboration with federal law enforcement officials.
- 6 (F) Rights of and protections afforded to victims.
- 7 (G) Providing documentation that satisfies the Declaration of
- 8 Law Enforcement Officer for Victim of Trafficking in Persons
- 9 (Form I-914, Supplement B) requirements established under
- 10 federal law.
- 11 (H) The availability of community resources to assist human
- 12 and sexual trafficking victims.
- 13 (b) A law enforcement officer appointed after July 5, 1972, and
- 14 before July 1, 1993, may not enforce the laws or ordinances of the state
- 15 or any political subdivision unless the officer has, within one (1) year
- 16 from the date of appointment, successfully completed the minimum
- 17 basic training requirements established under this chapter by the board.
- 18 If a person fails to successfully complete the basic training
- 19 requirements within one (1) year from the date of employment, the
- 20 officer may not perform any of the duties of a law enforcement officer
- 21 involving control or direction of members of the public or exercising
- 22 the power of arrest until the officer has successfully completed the
- 23 training requirements. This subsection does not apply to any law
- 24 enforcement officer appointed before July 6, 1972, or after June 30,
- 25 1993.
- 26 (c) Military leave or other authorized leave of absence from law
- 27 enforcement duty during the first year of employment after July 6,
- 28 1972, shall toll the running of the first year, which shall be calculated
- 29 by the aggregate of the time before and after the leave, for the purposes
- 30 of this chapter.
- 31 (d) Except as provided in subsections (e), (m), (t), and (u), a law
- 32 enforcement officer appointed to a law enforcement department or
- 33 agency after June 30, 1993, may not:
- 34 (1) make an arrest;
- 35 (2) conduct a search or a seizure of a person or property; or
- 36 (3) carry a firearm;
- 37 unless the law enforcement officer successfully completes, at a board
- 38 certified law enforcement academy or at a law enforcement training
- 39 center under section 10.5 or 15.2 of this chapter, the basic training
- 40 requirements established by the board under this chapter.
- 41 (e) This subsection does not apply to:
- 42 (1) a gaming agent employed as a law enforcement officer by the



1 Indiana gaming commission; or

2 (2) an:

3 (A) attorney; or

4 (B) investigator;

5 designated by the securities commissioner as a police officer of
6 the state under IC 23-19-6-1(k).

7 Before a law enforcement officer appointed after June 30, 1993,
8 completes the basic training requirements, the law enforcement officer
9 may exercise the police powers described in subsection (d) if the
10 officer successfully completes the pre-basic course established in
11 subsection (f). Successful completion of the pre-basic course authorizes
12 a law enforcement officer to exercise the police powers described in
13 subsection (d) for one (1) year after the date the law enforcement
14 officer is appointed.

15 (f) The board shall adopt rules under IC 4-22-2 to establish a
16 pre-basic course for the purpose of training:

17 (1) law enforcement officers;

18 (2) police reserve officers (as described in IC 36-8-3-20); and

19 (3) conservation reserve officers (as described in IC 14-9-8-27);

20 regarding the subjects of arrest, search and seizure, the lawful use of
21 force, interacting with individuals with autism, and the operation of an
22 emergency vehicle. The pre-basic course must be offered on a periodic
23 basis throughout the year at regional sites statewide. The pre-basic
24 course must consist of at least forty (40) hours of course work. The
25 board may prepare the classroom part of the pre-basic course using
26 available technology in conjunction with live instruction. The board
27 shall provide the course material, the instructors, and the facilities at
28 the regional sites throughout the state that are used for the pre-basic
29 course. In addition, the board may certify pre-basic courses that may be
30 conducted by other public or private training entities, including
31 postsecondary educational institutions.

32 (g) Subject to subsection (h), the board shall adopt rules under
33 IC 4-22-2 to establish a mandatory inservice training program for
34 police officers and police reserve officers (as described in
35 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
36 satisfactorily completed basic training and has been appointed to a law
37 enforcement department or agency on either a full-time or part-time
38 basis is not eligible for continued employment unless the officer
39 satisfactorily completes the mandatory inservice training requirements
40 established by rules adopted by the board. Inservice training must
41 include training in interacting with persons with mental illness,
42 addictive disorders, intellectual disabilities, autism, developmental



1 disabilities, and Alzheimer's disease or related senile dementia, to be
 2 provided by persons approved by the secretary of family and social
 3 services and the board, and training concerning human and sexual
 4 trafficking and high risk missing persons (as defined in IC 5-2-17-1).
 5 The board may approve courses offered by other public or private
 6 training entities, including postsecondary educational institutions, as
 7 necessary in order to ensure the availability of an adequate number of
 8 inservice training programs. The board may waive an officer's inservice
 9 training requirements if the board determines that the officer's reason
 10 for lacking the required amount of inservice training hours is due to
 11 either an emergency situation or the unavailability of courses.

12 (h) This subsection applies only to a mandatory inservice training
 13 program under subsection (g). Notwithstanding subsection (g), the
 14 board may, without adopting rules under IC 4-22-2, modify the course
 15 work of a training subject matter, modify the number of hours of
 16 training required within a particular subject matter, or add a new
 17 subject matter, if the board satisfies the following requirements:

18 ~~(A)~~ (1) The board must conduct at least two (2) public meetings
 19 on the proposed modification or addition.

20 ~~(B)~~ (2) After approving the modification or addition at a public
 21 meeting, the board must post notice of the modification or
 22 addition on the Indiana law enforcement academy's Internet web
 23 site at least thirty (30) days before the modification or addition
 24 takes effect.

25 If the board does not satisfy the requirements of this subsection, the
 26 modification or addition is void. This subsection does not authorize the
 27 board to eliminate any inservice training subject matter required under
 28 subsection (g).

29 (i) The board shall also adopt rules establishing a town marshal
 30 basic training program, subject to the following:

31 (1) The program must require fewer hours of instruction and class
 32 attendance and fewer courses of study than are required for the
 33 mandated basic training program.

34 (2) Certain parts of the course materials may be studied by a
 35 candidate at the candidate's home in order to fulfill requirements
 36 of the program.

37 (3) Law enforcement officers successfully completing the
 38 requirements of the program are eligible for appointment only in
 39 towns employing the town marshal system (IC 36-5-7) and having
 40 not more than one (1) marshal and two (2) deputies.

41 (4) The limitation imposed by subdivision (3) does not apply to an
 42 officer who has successfully completed the mandated basic



- 1 training program.
- 2 (5) The time limitations imposed by subsections (b) and (c) for
- 3 completing the training are also applicable to the town marshal
- 4 basic training program.
- 5 (6) The program must require training in interacting with
- 6 individuals with autism.
- 7 (j) The board shall adopt rules under IC 4-22-2 to establish an
- 8 executive training program. The executive training program must
- 9 include training in the following areas:
- 10 (1) Liability.
- 11 (2) Media relations.
- 12 (3) Accounting and administration.
- 13 (4) Discipline.
- 14 (5) Department policy making.
- 15 (6) Lawful use of force.
- 16 (7) Department programs.
- 17 (8) Emergency vehicle operation.
- 18 (9) Cultural diversity.
- 19 (k) A police chief shall apply for admission to the executive training
- 20 program within two (2) months of the date the police chief initially
- 21 takes office. A police chief must successfully complete the executive
- 22 training program within six (6) months of the date the police chief
- 23 initially takes office. However, if space in the executive training
- 24 program is not available at a time that will allow completion of the
- 25 executive training program within six (6) months of the date the police
- 26 chief initially takes office, the police chief must successfully complete
- 27 the next available executive training program that is offered after the
- 28 police chief initially takes office.
- 29 (l) A police chief who fails to comply with subsection (k) may not
- 30 continue to serve as the police chief until completion of the executive
- 31 training program. For the purposes of this subsection and subsection
- 32 (k), "police chief" refers to:
- 33 (1) the police chief of any city;
- 34 (2) the police chief of any town having a metropolitan police
- 35 department; and
- 36 (3) the chief of a consolidated law enforcement department
- 37 established under IC 36-3-1-5.1.
- 38 A town marshal is not considered to be a police chief for these
- 39 purposes, but a town marshal may enroll in the executive training
- 40 program.
- 41 (m) A fire investigator in the division of fire and building safety
- 42 appointed after December 31, 1993, is required to comply with the



1 basic training standards established under this chapter.

2 (n) The board shall adopt rules under IC 4-22-2 to establish a
3 program to certify handgun safety courses, including courses offered
4 in the private sector, that meet standards approved by the board for
5 training probation officers in handgun safety as required by
6 ~~IC 11-13-1-3.5(3)~~. **IC 11-13-1-3.5(2)**.

7 (o) The board shall adopt rules under IC 4-22-2 to establish a
8 refresher course for an officer who:

9 (1) is hired by an Indiana law enforcement department or agency
10 as a law enforcement officer;

11 (2) has not been employed as a law enforcement officer for:

12 (A) at least two (2) years; and

13 (B) less than six (6) years before the officer is hired under
14 subdivision (1); and

15 (3) completed at any time a basic training course certified or
16 recognized by the board before the officer is hired under
17 subdivision (1).

18 (p) An officer to whom subsection (o) applies must successfully
19 complete the refresher course described in subsection (o) not later than
20 six (6) months after the officer's date of hire, or the officer loses the
21 officer's powers of:

22 (1) arrest;

23 (2) search; and

24 (3) seizure.

25 (q) The board shall adopt rules under IC 4-22-2 to establish a
26 refresher course for an officer who:

27 (1) is appointed by an Indiana law enforcement department or
28 agency as a reserve police officer; and

29 (2) has not worked as a reserve police officer for at least two (2)
30 years after:

31 (A) completing the pre-basic course; or

32 (B) leaving the individual's last appointment as a reserve
33 police officer.

34 An officer to whom this subsection applies must successfully complete
35 the refresher course established by the board in order to work as a
36 reserve police officer.

37 (r) This subsection applies to an individual who, at the time the
38 individual completes a board certified or recognized basic training
39 course, has not been appointed as a law enforcement officer by an
40 Indiana law enforcement department or agency. If the individual is not
41 employed as a law enforcement officer for at least two (2) years after
42 completing the basic training course, the individual must successfully



1 retake and complete the basic training course as set forth in subsection
2 (d).

3 (s) The board shall adopt rules under IC 4-22-2 to establish a
4 refresher course for an individual who:

5 (1) is appointed as a board certified instructor of law enforcement
6 training; and

7 (2) has not provided law enforcement training instruction for
8 more than one (1) year after the date the individual's instructor
9 certification expired.

10 An individual to whom this subsection applies must successfully
11 complete the refresher course established by the board in order to
12 renew the individual's instructor certification.

13 (t) This subsection applies only to a gaming agent employed as a
14 law enforcement officer by the Indiana gaming commission. A gaming
15 agent appointed after June 30, 2005, may exercise the police powers
16 described in subsection (d) if:

17 (1) the agent successfully completes the pre-basic course
18 established in subsection (f); and

19 (2) the agent successfully completes any other training courses
20 established by the Indiana gaming commission in conjunction
21 with the board.

22 (u) This subsection applies only to a securities enforcement officer
23 designated as a law enforcement officer by the securities
24 commissioner. A securities enforcement officer may exercise the police
25 powers described in subsection (d) if:

26 (1) the securities enforcement officer successfully completes the
27 pre-basic course established in subsection (f); and

28 (2) the securities enforcement officer successfully completes any
29 other training courses established by the securities commissioner
30 in conjunction with the board.

31 (v) As used in this section, "upper level policymaking position"
32 refers to the following:

33 (1) If the authorized size of the department or town marshal
34 system is not more than ten (10) members, the term refers to the
35 position held by the police chief or town marshal.

36 (2) If the authorized size of the department or town marshal
37 system is more than ten (10) members but less than fifty-one (51)
38 members, the term refers to:

39 (A) the position held by the police chief or town marshal; and

40 (B) each position held by the members of the police
41 department or town marshal system in the next rank and pay
42 grade immediately below the police chief or town marshal.



1 (3) If the authorized size of the department or town marshal
2 system is more than fifty (50) members, the term refers to:

3 (A) the position held by the police chief or town marshal; and

4 (B) each position held by the members of the police
5 department or town marshal system in the next two (2) ranks
6 and pay grades immediately below the police chief or town
7 marshal.

8 (w) This subsection applies only to a correctional police officer
9 employed by the department of correction. A correctional police officer
10 may exercise the police powers described in subsection (d) if:

11 (1) the officer successfully completes the pre-basic course
12 described in subsection (f); and

13 (2) the officer successfully completes any other training courses
14 established by the department of correction in conjunction with
15 the board.

16 SECTION 2. IC 10-13-3-40, AS AMENDED BY P.L.91-2014,
17 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2018]: Sec. 40. **(a)** If the amount of money that is deposited
19 in the state general fund during a state fiscal year from ~~handgun~~ license
20 fees (as described in IC 35-47-2-4) exceeds one million one hundred
21 thousand dollars (\$1,100,000), the excess is appropriated from the state
22 general fund to the department. ~~An appropriation under this section is~~
23 ~~subject to allotment by the budget agency.~~

24 **(b) If the amount of money deposited in the state general fund**
25 **under subsection (a) does not exceed one million one hundred**
26 **thousand dollars (\$1,100,000), an appropriation from the state**
27 **general fund shall be made to the department.**

28 **(c) The amount of the appropriation described in subsection (b)**
29 **shall be determined by:**

30 **(1) reviewing the amount of revenue deposited into the state**
31 **general fund under subsection (a) for the last five (5) fiscal**
32 **years;**

33 **(2) discarding the lowest and highest revenue amounts**
34 **aggregated under subdivision (1); and**

35 **(3) averaging the remaining three (3) revenue amounts**
36 **together.**

37 **(d) A law enforcement agency that collects a fee for the issuance**
38 **of a reciprocity license under IC 35-47-2-3(c) may petition the**
39 **budget agency for an appropriation from the state general fund.**
40 **The amount of an appropriation distributed to a law enforcement**
41 **agency under this subsection shall be determined by:**

42 **(1) reviewing the amount of revenue deposited into any fund**



1 described under IC 35-47-2-3(c) or IC 35-47-2-3(i) by the law
 2 enforcement agency for the last five (5) fiscal years;
 3 (2) discarding the lowest and highest revenue amounts
 4 aggregated under subdivision (1); and
 5 (3) averaging the remaining three (3) revenue amounts
 6 together.

7 (e) An appropriation under this section is subject to allotment
 8 by the budget agency.

9 SECTION 3. IC 11-9-2-4 IS REPEALED [EFFECTIVE JULY 1,
 10 2018]. Sec. 4. The governor may issue a pardon that conditions the
 11 removal of all disabilities applicable to holding a handgun permit or
 12 other license issued under IC 35-47-2 upon a determination by the
 13 superintendent of state police that circumstances have changed to such
 14 an extent since the pardoned conviction was entered that the applicant
 15 for the permit or license is likely to handle handguns in compliance
 16 with the law.

17 SECTION 4. IC 11-13-1-3.5, AS AMENDED BY P.L.4-2017,
 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2018]: Sec. 3.5. A probation officer may not carry a handgun
 20 as described in IC 35-47-2-1 in any vehicle or on or about the
 21 probation officer's body while acting in the scope of employment as
 22 a probation officer unless all of the following conditions are met:

23 (1) The appointing court enters an order authorizing the probation
 24 officer to carry the handgun while on duty.

25 (2) The probation officer is issued a license to carry the handgun
 26 under IC 35-47-2.

27 (3) (2) The probation officer successfully completes a handgun
 28 safety course certified by the law enforcement training board
 29 under IC 5-2-1-9(n).

30 SECTION 5. IC 14-16-1-23, AS AMENDED BY P.L.35-2011,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2018]: Sec. 23. (a) An individual shall not operate a vehicle
 33 under any of the following conditions:

34 (1) At a rate of speed greater than is reasonable and proper having
 35 due regard for existing conditions or in a manner that
 36 unnecessarily endangers the person or property of another.

37 (2) While:

38 (A) under the influence of an alcoholic beverage; or

39 (B) unlawfully under the influence of a narcotic or other habit
 40 forming or dangerous depressant or stimulant drug.

41 (3) During the hours from thirty (30) minutes after sunset to thirty
 42 (30) minutes before sunrise without displaying a lighted headlight



- 1 and a lighted taillight.
- 2 (4) In a forest nursery, a planting area, or public land posted or
- 3 reasonably identified as an area of forest or plant reproduction
- 4 and when growing stock may be damaged.
- 5 (5) On the frozen surface of public waters within:
- 6 (A) one hundred (100) feet of an individual not in or upon a
- 7 vehicle; or
- 8 (B) one hundred (100) feet of a fishing shanty or shelter;
- 9 except at a speed of not more than five (5) miles per hour.
- 10 (6) Unless the vehicle is equipped with a muffler in good working
- 11 order and in constant operation to prevent excessive or unusual
- 12 noise and annoying smoke.
- 13 (7) Within one hundred (100) feet of a dwelling between midnight
- 14 and 6:00 a.m., except on the individual's own property or property
- 15 under the individual's control or as an invited guest.
- 16 (8) On any property without the consent of the landowner or
- 17 tenant.
- 18 (9) While transporting on or in the vehicle a firearm, unless the
- 19 firearm is:
- 20 (A) unloaded; and
- 21 (B) securely encased or equipped with and made inoperative
- 22 by a manufactured keylocked trigger housing mechanism.
- 23 (10) On or across a cemetery or burial ground.
- 24 (11) Within one hundred (100) feet of a slide, ski, or skating area,
- 25 except for the purpose of servicing the area.
- 26 (12) On a railroad track or railroad right-of-way, except railroad
- 27 personnel in the performance of duties.
- 28 (13) In or upon a flowing river, stream, or creek, except for the
- 29 purpose of crossing by the shortest possible route, unless the
- 30 river, stream, or creek is of sufficient water depth to permit
- 31 movement by flotation of the vehicle at all times.
- 32 (14) An individual shall not operate a vehicle while a bow is
- 33 present in or on the vehicle if the nock of an arrow is in position
- 34 on the string of the bow.
- 35 (b) Subsection (a)(9) does not apply to a person who is carrying a
- 36 firearm:
- 37 (1) if
- 38 (A) the firearm is a handgun; and
- 39 (B) the person has been issued an unlimited handgun license
- 40 to carry a handgun under IC 35-47-2;
- 41 ~~(2) if:~~
- 42 (A) the firearm is a handgun; and



- 1 ~~(B) the person is not required to possess a license to carry a~~
 2 ~~handgun under IC 35-47-2-2;~~ or
 3 ~~(3) (2) if the person carrying the firearm is operating the vehicle~~
 4 ~~on property that the person:~~
 5 (A) owns;
 6 (B) has a contractual interest in;
 7 (C) otherwise legally possesses; or
 8 (D) has permission from a person described in clauses (A)
 9 through (C) to possess a firearm on.

10 SECTION 6. IC 21-17-5-6, AS AMENDED BY P.L.17-2017,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2018]: Sec. 6. Whenever a police officer retires after at least
 13 twenty (20) years of service, the police officer may retain the officer's
 14 service weapon. The officer is entitled to receive, in recognition of the
 15 service to the educational institution and the public, a badge that
 16 indicates that the officer is retired. Upon retirement, the state police
 17 department shall issue to the police officer an identification card that:

- 18 (1) states the police officer's name and rank at retirement;
 19 (2) states the officer's retired status; and
 20 (3) notes the officer's authority to retain the service weapon.

21 A retired police officer described in this section is entitled to a lifetime
 22 **reciprocity** license ~~to carry a handgun as described under~~
 23 ~~IC 35-47-2-3(e): IC 35-47-2-3(f).~~

24 SECTION 7. IC 21-39-4-7, AS AMENDED BY P.L.17-2017,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2018]: Sec. 7. Whenever a police officer retires after at least
 27 twenty (20) years of service, the police officer may retain the officer's
 28 service weapon. The officer is entitled to receive, in recognition of the
 29 service to the state educational institution and the public, a badge that
 30 indicates that the officer is retired. Upon retirement, the state police
 31 department shall issue to the police officer an identification card that:

- 32 (1) states the police officer's name and rank at retirement;
 33 (2) states the officer's retired status; and
 34 (3) notes the officer's authority to retain the service weapon.

35 A police officer described in this section is entitled to a lifetime
 36 **reciprocity** license ~~to carry a handgun as described under~~
 37 ~~IC 35-47-2-3(e): IC 35-47-2-3(f).~~

38 SECTION 8. IC 31-30-1-4, AS AMENDED BY P.L.28-2016,
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2018]: Sec. 4. (a) The juvenile court does not have jurisdiction
 41 over an individual for an alleged violation of:

- 42 (1) IC 35-41-5-1(a) (attempted murder);



- 1 (2) IC 35-42-1-1 (murder);
 2 (3) IC 35-42-3-2 (kidnapping);
 3 (4) IC 35-42-4-1 (rape);
 4 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
 5 (6) IC 35-42-5-1 (robbery) if:
 6 (A) the robbery was committed while armed with a deadly
 7 weapon; or
 8 (B) the robbery results in bodily injury or serious bodily
 9 injury;
 10 (7) IC 35-42-5-2 (carjacking) (before its repeal);
 11 ~~(8) IC 35-47-2-1 (carrying a handgun without a license); if~~
 12 ~~charged as a felony;~~
 13 ~~(9) (8) IC 35-47-10 (children and firearms), if charged as a felony;~~
 14 or
 15 ~~(10) (9) any offense that may be joined under IC 35-34-1-9(a)(2)~~
 16 ~~with any crime listed in this subsection;~~
 17 if the individual was at least sixteen (16) years of age but less than
 18 eighteen (18) years of age at the time of the alleged violation.
 19 (b) Once an individual described in subsection (a) has been charged
 20 with any offense listed in subsection (a), the court having adult
 21 criminal jurisdiction shall retain jurisdiction over the case if the
 22 individual pleads guilty to or is convicted of any offense listed in
 23 subsection (a)(1) through ~~(a)(9)~~: **(a)(8)**.
 24 (c) If:
 25 (1) an individual described in subsection (a) is charged with one
 26 (1) or more offenses listed in subsection (a);
 27 (2) all the charges under subsection (a)(1) through ~~(a)(9)~~ **(a)(8)**
 28 resulted in an acquittal or were dismissed; and
 29 (3) the individual pleads guilty to or is convicted of any offense
 30 other than an offense listed in subsection (a)(1) through ~~(a)(9)~~;
 31 **(a)(8)**;
 32 the court having adult criminal jurisdiction may withhold judgment and
 33 transfer jurisdiction to the juvenile court for adjudication and
 34 disposition. In determining whether to transfer jurisdiction to the
 35 juvenile court for adjudication and disposition, the court having adult
 36 criminal jurisdiction shall consider whether there are appropriate
 37 services available in the juvenile justice system, whether the child is
 38 amenable to rehabilitation under the juvenile justice system, and
 39 whether it is in the best interests of the safety and welfare of the
 40 community that the child be transferred to juvenile court. All orders
 41 concerning release conditions remain in effect until a juvenile court
 42 detention hearing, which must be held not later than forty-eight (48)



1 hours, excluding Saturdays, Sundays, and legal holidays, after the order
2 of transfer of jurisdiction.

3 SECTION 9. IC 35-31.5-2-78, AS AMENDED BY P.L.181-2014,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2018]: Sec. 78. "Crime of domestic violence", for purposes of
6 IC 5-2-6.1, IC 35-38-9, **IC 35-47-2-1.8**, and IC 35-47-4-7, means an
7 offense or the attempt to commit an offense that:

8 (1) has as an element the:

9 (A) use of physical force; or

10 (B) threatened use of a deadly weapon; and

11 (2) is committed against a:

12 (A) current or former spouse, parent, or guardian of the
13 defendant;

14 (B) person with whom the defendant shared a child in
15 common;

16 (C) person who was cohabiting with or had cohabited with the
17 defendant as a spouse, parent, or guardian; or

18 (D) person who was or had been similarly situated to a spouse,
19 parent, or guardian of the defendant.

20 SECTION 10. IC 35-31.5-2-161.5 IS ADDED TO THE INDIANA
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2018]: **Sec. 161.5. "Identification", for**
23 **purposes of IC 35-47-2-3, means the following forms of**
24 **documentation issued under IC 9-24:**

25 (1) **A driver's license.**

26 (2) **An identification card.**

27 (3) **A photo exempt identification card.**

28 SECTION 11. IC 35-31.5-2-275.5 IS ADDED TO THE INDIANA
29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2018]: **Sec. 275.5. "Resident", for purposes**
31 **of IC 35-47-2-3, means a person who lives or works in Indiana for**
32 **at least six (6) months of every year.**

33 SECTION 12. IC 35-33-1-1, AS AMENDED BY P.L.65-2016,
34 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2018]: Sec. 1. (a) A law enforcement officer may arrest a
36 person when the officer has:

37 (1) a warrant commanding that the person be arrested;

38 (2) probable cause to believe the person has committed or
39 attempted to commit, or is committing or attempting to commit,
40 a felony;

41 (3) probable cause to believe the person has violated the
42 provisions of IC 9-26-1-1.1 or IC 9-30-5;



1 (4) probable cause to believe the person is committing or
 2 attempting to commit a misdemeanor in the officer's presence;

3 (5) probable cause to believe the person has committed a:

4 (A) battery resulting in bodily injury under IC 35-42-2-1; or

5 (B) domestic battery under IC 35-42-2-1.3.

6 The officer may use an affidavit executed by an individual alleged
 7 to have direct knowledge of the incident alleging the elements of
 8 the offense of battery to establish probable cause;

9 (6) probable cause to believe that the person violated
 10 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;

11 ~~(7) probable cause to believe that the person violated~~
 12 ~~IC 35-47-2-1 (carrying a handgun without a license) or~~
 13 ~~IC 35-47-2-22 (counterfeit handgun license);~~

14 ~~(8)~~ (7) probable cause to believe that the person is violating or has
 15 violated an order issued under IC 35-50-7;

16 ~~(9)~~ (8) probable cause to believe that the person is violating or has
 17 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
 18 device);

19 ~~(10)~~ (9) probable cause to believe that the person is:

20 (A) violating or has violated IC 35-45-2-5 (interference with
 21 the reporting of a crime); and

22 (B) interfering with or preventing the reporting of a crime
 23 involving domestic or family violence (as defined in
 24 IC 34-6-2-34.5);

25 ~~(11)~~ (10) probable cause to believe that the person has committed
 26 theft (IC 35-43-4-2);

27 ~~(12)~~ (11) a removal order issued for the person by an immigration
 28 court;

29 ~~(13)~~ (12) a detainer or notice of action for the person issued by the
 30 United States Department of Homeland Security; or

31 ~~(14)~~ (13) probable cause to believe that the person has been
 32 indicted for or convicted of one (1) or more aggravated felonies
 33 (as defined in 8 U.S.C. 1101(a)(43)).

34 (b) A person who:

35 (1) is employed full time as a federal enforcement officer;

36 (2) is empowered to effect an arrest with or without warrant for a
 37 violation of the United States Code; and

38 (3) is authorized to carry firearms in the performance of the
 39 person's duties;

40 may act as an officer for the arrest of offenders against the laws of this
 41 state where the person reasonably believes that a felony has been or is
 42 about to be committed or attempted in the person's presence.



1 SECTION 13. IC 35-47-1-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. "Alcohol abuser"
 3 means an individual who has had two (2) or more alcohol related
 4 offenses, any one (1) of which resulted in conviction by a court or
 5 treatment in an alcohol abuse facility within three (3) years prior to the:

6 (1) date of the application; or

7 (2) carrying of a handgun.

8 SECTION 14. IC 35-47-1-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. "Drug abuser" means
 10 an individual who has had two (2) or more violations of IC 35-48-1,
 11 IC 35-48-2, IC 35-48-3, or IC 35-48-4, any one (1) of which resulted
 12 in conviction by a court or treatment in a drug abuse facility within five
 13 (5) years prior to the:

14 (1) date of application; or

15 (2) carrying of a handgun.

16 SECTION 15. IC 35-47-1-8.5 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2018]: Sec. 8.5. "Resister", for purposes of
 19 IC 35-47-2-1.8, means an individual who has had one (1) or more
 20 violations of IC 35-44.1-3-1, any one (1) of which resulted in
 21 conviction by a court within five (5) years before the:

22 (1) date of application; or

23 (2) carrying of a handgun.

24 SECTION 16. IC 35-47-2-1, AS AMENDED BY P.L.221-2017,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2018]: Sec. 1. (a) Except as provided in subsections (b) and
 27 (c) and sections 2 through 2.1 of this chapter, a person shall not carry
 28 a handgun in any vehicle or on or about the person's body without
 29 being licensed under this chapter to carry a handgun.

30 (b) Except as provided in subsection (c), a person may carry a
 31 handgun without being licensed under this chapter to carry a handgun
 32 if:

33 (1) the person carries the handgun on or about the person's body
 34 in or on property that is owned, leased, rented, or otherwise
 35 legally controlled by the person;

36 (2) the person carries the handgun on or about the person's body
 37 while lawfully present in or on property that is owned, leased,
 38 rented, or otherwise legally controlled by another person, if the
 39 person:

40 (A) has the consent of the owner, renter, lessor, or person who
 41 legally controls the property to have the handgun on the
 42 premises;



- 1 (B) is attending a firearms related event on the property;
 2 including a gun show; firearms expo; gun owner's club or
 3 convention; hunting club; shooting club; or training course; or
 4 (C) is on the property to receive firearms related services;
 5 including the repair, maintenance, or modification of a
 6 firearm;
- 7 (3) the person carries the handgun in a vehicle that is owned;
 8 leased; rented; or otherwise legally controlled by the person; if the
 9 handgun is:
- 10 (A) unloaded;
 11 (B) not readily accessible; and
 12 (C) secured in a case;
- 13 (4) the person carries the handgun while lawfully present in a
 14 vehicle that is owned; leased; rented; or otherwise legally
 15 controlled by another person; if the handgun is:
- 16 (A) unloaded;
 17 (B) not readily accessible; and
 18 (C) secured in a case;
- 19 (5) the person carries the handgun:
- 20 (A) at a shooting range (as defined in IC 14-22-31.5-3);
 21 (B) while attending a firearms instructional course; or
 22 (C) while engaged in a legal hunting activity; or
- 23 (6) the person is permitted to carry a handgun without a license
 24 under section 2.1 of this chapter (persons protected by a
 25 protection order):
- 26 (e) Unless the person's right to possess a firearm has been restored
 27 under IC 35-47-4-7, a person who has been convicted of domestic
 28 battery under IC 35-42-2-1.3 may not possess or carry a handgun:
- 29 (d) This section **chapter** may not be construed:
- 30 (1) to prohibit a person who owns, leases, rents, or otherwise
 31 legally controls private property from regulating or prohibiting the
 32 possession of firearms on the private property;
- 33 (2) to allow a person to adopt or enforce an ordinance, resolution,
 34 policy, or rule that:
- 35 (A) prohibits; or
 36 (B) has the effect of prohibiting;
 37 an employee of the person from possessing a firearm or
 38 ammunition that is locked in the trunk of the employee's vehicle,
 39 kept in the glove compartment of the employee's locked vehicle,
 40 or stored out of plain sight in the employee's locked vehicle,
 41 unless the person's adoption or enforcement of the ordinance,
 42 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or



1 (3) to allow a person to adopt or enforce a law, statute, ordinance,
 2 resolution, policy, or rule that allows a person to possess or
 3 transport a firearm or ammunition if the person is prohibited from
 4 possessing or transporting the firearm or ammunition by state or
 5 federal law.

6 (e) A person who knowingly or intentionally violates this section
 7 commits a Class A misdemeanor. However, the offense is a Level 5
 8 felony:

9 (1) if the offense is committed:

10 (A) on or in school property;

11 (B) within five hundred (500) feet of school property; or

12 (C) on a school bus; or

13 (2) if the person:

14 (A) has a prior conviction of any offense under:

15 (i) this section; or

16 (ii) section 22 of this chapter; or

17 (B) has been convicted of a felony within fifteen (15) years
 18 before the date of the offense.

19 SECTION 17. IC 35-47-2-1.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2018]: **Sec. 1.5. (a) Unless the person's right**
 22 **to possess a firearm has been restored under IC 35-47-4-7, a person**
 23 **who has been convicted of domestic battery under IC 35-42-2-1.3**
 24 **may not possess or carry a handgun.**

25 (b) A person who knowingly or intentionally violates this section
 26 commits a Class A misdemeanor. However, the offense is a Level
 27 5 felony:

28 (1) if the offense is committed:

29 (A) on or in school property;

30 (B) within five hundred (500) feet of school property; or

31 (C) on a school bus; or

32 (2) if the person:

33 (A) has a prior unrelated conviction for an offense under
 34 this section; or

35 (B) has been convicted of a felony within fifteen (15) years
 36 before the date of the offense.

37 SECTION 18. IC 35-47-2-1.8 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2018]: **Sec. 1.8. (a) The following definitions**
 40 **apply throughout this section:**

41 (1) "Adjudicated a mental defective" means a determination
 42 by a board, commission, court, or other lawful authority that



1 a person:

- 2 (A) presents a danger to the person or to others; or
 3 (B) lacks the mental capacity necessary to contract or
 4 manage the person's affairs.

5 The term includes an adjudication of guilty but mentally ill or
 6 an acquittal based upon the affirmative defense of insanity.

7 (2) "Alcohol abuser" has the meaning set forth in
 8 IC 35-47-1-2.

9 (3) "Alien" means any of the following:

10 (A) A person who is not lawfully in the United States. The
 11 term includes any person who has:

- 12 (i) entered the United States without inspection and
 13 authorization by an immigration officer; and
 14 (ii) not been paroled into the United States under the
 15 Immigration and Nationality Act.

16 (B) A nonimmigrant:

- 17 (i) whose authorized period of stay has expired; or
 18 (ii) who has violated the terms of the nonimmigrant
 19 category under which the person was admitted.

20 (C) A person paroled under the Immigration and
 21 Nationality Act whose period of parole has:

- 22 (i) expired; or
 23 (ii) been terminated.

24 (D) A person subject to an order:

- 25 (i) of deportation, exclusion, or removal; or
 26 (ii) to depart the United States voluntarily;

27 regardless of whether or not the person has left the United
 28 States.

29 (4) "Committed to a mental institution" means a formal
 30 commitment of a person to a mental institution by a board,
 31 commission, court, or other legal authority. The term
 32 includes:

33 (A) a commitment for:

- 34 (i) a cognitive or mental defect; or
 35 (ii) a mental illness; and

36 (B) involuntary commitments.

37 The term does not include voluntary commitments or a
 38 commitment made for observational purposes.

39 (5) "Controlled substance" has the meaning set forth in
 40 IC 35-48-1-9.

41 (6) "Dangerous" has the meaning set forth in IC 35-47-14-1.

42 (7) "Drug abuser" has the meaning set forth in 35-47-1-4.



- 1 **(8) "Fugitive from justice" means any person who:**
 2 **(A) flees from or leaves any state to avoid prosecution for**
 3 **a felony or misdemeanor offense; or**
 4 **(B) flees from or leaves any state to avoid testifying in a**
 5 **criminal proceeding.**
- 6 **(9) "Indictment" means any formal accusation of a crime**
 7 **made by a prosecuting attorney in any court for a crime**
 8 **punishable by a term of imprisonment exceeding one (1) year.**
- 9 **(10) "Resister" has the meaning set forth in IC 35-47-1-8.5.**
- 10 **(b) Except as provided in subsection (c), the following persons**
 11 **may not knowingly or intentionally carry a handgun:**
- 12 **(1) A person convicted of a federal or state offense punishable**
 13 **by a term of imprisonment exceeding one (1) year.**
- 14 **(2) A fugitive from justice.**
- 15 **(3) An alien.**
- 16 **(4) A person convicted of a crime of domestic violence**
 17 **(IC 35-31.5-2-78), domestic battery (IC 35-42-2-1.3), or**
 18 **criminal stalking (IC 35-45-10-5).**
- 19 **(5) A person restrained by an order of protection issued under**
 20 **IC 34-26-5.**
- 21 **(6) A person under indictment.**
- 22 **(7) An alcohol abuser.**
- 23 **(8) A drug abuser.**
- 24 **(9) A resister.**
- 25 **(10) A person who has been:**
- 26 **(A) adjudicated dangerous under IC 35-47-14-6;**
 27 **(B) adjudicated a mental defective; or**
 28 **(C) committed to a mental institution.**
- 29 **(11) A person dishonorably discharged from:**
- 30 **(A) military service; or**
 31 **(B) the national guard.**
- 32 **(12) A person who renounces the person's United States**
 33 **citizenship in the manner described in 8 U.S.C. 1481.**
- 34 **(13) A person who:**
- 35 **(A) is less than twenty-three (23) years of age; and**
 36 **(B) has an adjudication as a delinquent child for an act**
 37 **described under IC 35-47-4-5.**
- 38 **(14) A person who:**
- 39 **(1) is a nonresident; and**
 40 **(2) does not possess from another state a valid license or**
 41 **permit to carry a handgun at the time of the carrying of a**
 42 **handgun without a license or permit.**



1 (c) Subsection (b) does not apply to the following:

2 (1) An alcohol abuser if at least three (3) years have elapsed
3 since the person's latest alcohol related conviction.

4 (2) A drug abuser if at least five (5) years have elapsed since
5 the person's latest conviction for a violation of IC 35-48-3 or
6 IC 35-48-4.

7 (3) A person convicted of resisting law enforcement if at least
8 five (5) years have elapsed since the person's latest conviction
9 for a violation of IC 35-44.1-3-1.

10 (4) A nonresident who possesses from another state a valid
11 license or permit to carry a handgun at the time of the
12 carrying of a handgun without a license or permit.

13 (d) A person who violates this section commits unlawful
14 carrying of a handgun by a prohibited possessor, a Class A
15 misdemeanor. However, the offense is a:

16 (1) Level 6 felony if the person has a prior unrelated
17 conviction for an offense under this section; or

18 (2) Level 4 felony if the person:

19 (A) is less than twenty-three (23) years of age; and

20 (B) has an adjudication as a delinquent child for an act
21 described under IC 35-47-4-5.

22 SECTION 19. IC 35-47-2-2 IS REPEALED [EFFECTIVE JULY 1,
23 2018]. Sec. 2: Section † of this chapter does not apply to:

24 (†) marshals;

25 (2) sheriffs;

26 (3) the commissioner of the department of correction or persons
27 authorized by the commissioner in writing to carry firearms;

28 (4) judicial officers;

29 (5) law enforcement officers;

30 (6) members of the armed forces of the United States or of the
31 national guard or organized reserves while they are on duty;

32 (7) regularly enrolled members of any organization duly
33 authorized to purchase or receive such weapons from the United
34 States or from this state who are at or are going to or from their
35 place of assembly or target practice;

36 (8) employees of the United States duly authorized to carry
37 handguns;

38 (9) employees of express companies when engaged in company
39 business; or

40 (10) any person engaged in the business of manufacturing;
41 repairing; or dealing in firearms or the agent or representative of
42 any such person having in the person's possession, using; or



- 1 carrying a handgun in the usual or ordinary course of that
 2 business.
- 3 SECTION 20. IC 35-47-2-2.1 IS REPEALED [EFFECTIVE JULY
 4 1, 2018]. Sec. 2.1. (a) As used in this section, "protection order" means
 5 a civil protection order issued under IC 34-26-5.
- 6 (b) A person may carry a handgun without a license if the person:
 7 (1) has applied for a license to carry a handgun as described in
 8 IC 35-47-2-3;
 9 (2) is protected by a protection order;
 10 (3) is at least eighteen (18) years of age; and
 11 (4) is not otherwise barred by state or federal law from possessing
 12 a handgun;
 13 during the period described in subsection (c).
- 14 (c) A person described in subsection (b) may carry a handgun
 15 without a license for a period ending sixty (60) days after the date the
 16 protection order is issued.
- 17 SECTION 21. IC 35-47-2-3, AS AMENDED BY THE
 18 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL
 19 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2018]: Sec. 3. (a) A person desiring a license to carry resident
 21 **who is not otherwise prohibited from carrying or possessing a**
 22 **handgun shall apply: under federal or state law:**
 23 (1) is not required to obtain or possess a license from the state
 24 to carry a handgun in Indiana; and
 25 (2) is required to carry identification when carrying a
 26 handgun without a reciprocity license.
- 27 **A person who violates subdivision (2) commits unlawful carrying**
 28 **of a handgun, a Class C infraction.**
- 29 (b) **A resident of this state who wishes to carry a firearm in**
 30 **another state under a reciprocity agreement entered into by this**
 31 **state and the other state may obtain a reciprocity license under this**
 32 **chapter by applying:**
 33 (1) to the chief of police or corresponding law enforcement officer
 34 of the municipality in which the applicant resides;
 35 (2) if that municipality has no such officer, or if the applicant does
 36 not reside in a municipality, to the sheriff of the county in which
 37 the applicant resides after the applicant has obtained an
 38 application form prescribed by the superintendent; or
 39 (3) if the applicant is a resident of another state and has a regular
 40 place of business or employment in Indiana, to the sheriff of the
 41 county in which the applicant has a regular place of business or
 42 employment.



1 The superintendent and local law enforcement agencies shall allow an
 2 applicant desiring to obtain or renew a **reciprocity** license ~~to carry a~~
 3 ~~handgun~~ to submit an application electronically under this chapter if
 4 funds are available to establish and maintain an electronic application
 5 system.

6 ~~(b)~~ **(c)** The law enforcement agency which accepts an application
 7 for a ~~handgun~~ **reciprocity** license shall collect the following
 8 application fees:

9 (1) From a person applying for a four (4) year ~~handgun~~
 10 **reciprocity** license, a ~~ten dollar (\$10) application fee, five dollars~~
 11 ~~(\$5) of which shall be refunded if the license is not issued. no fee~~
 12 **shall be collected.**

13 (2) From a person applying for a lifetime ~~handgun~~ **reciprocity**
 14 license who does not currently possess a valid ~~Indiana~~ **handgun**
 15 **reciprocity** license, a fifty dollar (\$50) application fee, thirty
 16 dollars (\$30) of which shall be refunded if the **reciprocity** license
 17 is not issued.

18 (3) From a person applying for a lifetime ~~handgun~~ **reciprocity**
 19 license who currently possesses a valid ~~Indiana~~ **handgun**
 20 **reciprocity** license, a forty dollar (\$40) application fee, thirty
 21 dollars (\$30) of which shall be refunded if the **reciprocity** license
 22 is not issued.

23 Except as provided in subsection ~~(h)~~; **(i)**, the fee shall be deposited into
 24 the law enforcement agency's firearms training fund or other
 25 appropriate training activities fund and used by the agency to train law
 26 enforcement officers in the proper use of firearms or in other law
 27 enforcement duties, or to purchase firearms, firearm related equipment,
 28 or body armor (as defined in IC 35-47-5-13(a)) for the law enforcement
 29 officers employed by the law enforcement agency. The state board of
 30 accounts shall establish rules for the proper accounting and expenditure
 31 of funds collected under this subsection.

32 ~~(e)~~ **(d)** The officer to whom the application is made shall ascertain
 33 the applicant's name, full address, length of residence in the
 34 community, whether the applicant's residence is located within the
 35 limits of any city or town, the applicant's occupation, place of business
 36 or employment, criminal record, if any, and convictions (minor traffic
 37 offenses excepted), age, race, sex, nationality, date of birth, citizenship,
 38 height, weight, build, color of hair, color of eyes, scars and marks,
 39 whether the applicant has previously held an Indiana license to carry
 40 a handgun **or a reciprocity license** and, if so, the serial number of the
 41 license and year issued, whether the applicant's license has ever been
 42 suspended or revoked, and if so, the year and reason for the suspension



1 or revocation, and the applicant's reason for desiring a **reciprocity**
 2 license. The officer to whom the application is made shall conduct an
 3 investigation into the applicant's official records and verify thereby the
 4 applicant's character and reputation, and shall in addition verify for
 5 accuracy the information contained in the application, and shall
 6 forward this information together with the officer's recommendation for
 7 approval or disapproval ~~and one (1) set of legible and classifiable~~
 8 ~~fingerprints of the applicant~~ to the superintendent.

9 ~~(d)~~ (e) The superintendent may make whatever further investigation
 10 the superintendent deems necessary. Whenever disapproval is
 11 recommended, the officer to whom the application is made shall
 12 provide the superintendent and the applicant with the officer's complete
 13 and specific reasons, in writing, for the recommendation of
 14 disapproval.

15 ~~(e)~~ (f) If it appears to the superintendent that the applicant:

- 16 (1) has a proper reason for carrying a handgun;
- 17 (2) is of good character and reputation;
- 18 (3) is a proper person to be licensed; and
- 19 (4) is:

20 (A) a citizen of the United States; or

21 (B) not a citizen of the United States but is allowed to carry a
 22 firearm in the United States under federal law;

23 the superintendent shall issue to the applicant a ~~qualified or an~~
 24 ~~unlimited reciprocity~~ license to carry any handgun lawfully possessed
 25 by the applicant. The original **reciprocity** license shall be delivered to
 26 the licensee. A copy shall be delivered to the officer to whom the
 27 application for a **reciprocity** license was made. A copy shall be
 28 retained by the superintendent for at least four (4) years in the case of
 29 a four (4) year **reciprocity** license. The superintendent may adopt
 30 guidelines to establish a records retention policy for a lifetime
 31 **reciprocity** license. A four (4) year **reciprocity** license shall be valid
 32 for a period of four (4) years from the date of issue. A lifetime
 33 **reciprocity** license is valid for the life of the individual receiving the
 34 **reciprocity** license. The **reciprocity** license of police officers, sheriffs
 35 or their deputies, and law enforcement officers of the United States
 36 government who have *been honorably retired by a lawfully created*
 37 *pension board or its equivalent after* twenty (20) or more years of
 38 service shall be valid for the life of these individuals. However, a
 39 lifetime **reciprocity** license is automatically revoked if the license
 40 holder does not remain a proper person.

41 ~~(f)~~ (g) At the time a **reciprocity** license is issued and delivered to
 42 a licensee under subsection ~~(e)~~; (f), the superintendent shall include



1 with the **reciprocity** license information concerning ~~handgun~~ **firearms**
 2 safety rules that:

3 (1) neither opposes nor supports an individual's right to bear
 4 arms; and

5 (2) is:

6 (A) recommended by a nonprofit educational organization that
 7 is dedicated to providing education on safe handling and use
 8 of firearms;

9 (B) prepared by the state police department; and

10 (C) approved by the superintendent.

11 The superintendent may not deny a **reciprocity** license under this
 12 section because the information required under this subsection is
 13 unavailable at the time the superintendent would otherwise issue a
 14 **reciprocity** license. The state police department may accept private
 15 donations or grants to defray the cost of printing and mailing the
 16 information required under this subsection.

17 ~~(g)~~ **(h)** A **reciprocity** license to carry a ~~handgun~~ shall not be issued
 18 to any person who:

19 (1) has been convicted of a felony;

20 (2) has had a license to carry a handgun **or reciprocity license**
 21 suspended, unless the person's license has been reinstated;

22 (3) is under eighteen (18) years of age;

23 (4) is under twenty-three (23) years of age if the person has been
 24 adjudicated a delinquent child for an act that would be a felony if
 25 committed by an adult; or

26 (5) has been arrested for a Class A or Class B felony for an
 27 offense committed before July 1, 2014, for a Level 1, Level 2,
 28 Level 3, or Level 4 felony for an offense committed after June 30,
 29 2014, or any other felony that was committed while armed with
 30 a deadly weapon or that involved the use of violence, if a court
 31 has found probable cause to believe that the person committed the
 32 offense charged.

33 In the case of an arrest under subdivision (5), a **reciprocity** license to
 34 carry a ~~handgun~~ may be issued to a person who has been acquitted of
 35 the specific offense charged or if the charges for the specific offense
 36 are dismissed. The superintendent shall prescribe all forms to be used
 37 in connection with the administration of this chapter.

38 ~~(h)~~ **(i)** If the law enforcement agency that charges a fee under
 39 subsection ~~(b)~~ **(c)** is a city or town law enforcement agency, the fee
 40 shall be deposited in the law enforcement continuing education fund
 41 established under IC 5-2-8-2.

42 ~~(i)~~ **(j)** If a person who holds a valid **reciprocity** license to carry a



1 ~~handgun~~ issued under this chapter:
 2 (1) changes the person's name;
 3 (2) changes the person's address; or
 4 (3) experiences a change, including an arrest or a conviction, that
 5 may affect the person's status as a proper person (as defined in
 6 IC 35-47-1-7) or otherwise disqualify the person from holding a
 7 **reciprocity** license;
 8 the person shall, not later than thirty (30) days after the date of a
 9 change described under subdivision (3), and not later than sixty (60)
 10 days after the date of the change described under subdivision (1) or (2),
 11 notify the superintendent, in writing, of the event described under
 12 subdivision (3) or, in the case of a change under subdivision (1) or (2),
 13 the person's new name or new address.
 14 ~~(j)~~ **(k)** The state police shall indicate on the form for a **reciprocity**
 15 license to carry a ~~handgun~~ the notification requirements of subsection
 16 ~~(j)~~ **(j)**.
 17 ~~(k)~~ **(l)** The state police department shall adopt rules under IC 4-22-2
 18 to
 19 ~~(l)~~ implement an electronic application system under subsection
 20 ~~(a)~~; **(b)**. *and*
 21 ~~(2)~~ *expedite the processing of an application made by a person*
 22 *described in IC 35-47-2-2.1(b).* ~~section 2.1(b) of this chapter.~~
 23 Rules adopted under this section must require the superintendent to
 24 keep on file one ~~(1)~~ set of classifiable and legible fingerprints from
 25 every person who has received a license to carry a handgun so that a
 26 person who applies to renew a license will not be required to submit an
 27 additional set of fingerprints.
 28 ~~(m)~~ **(m)** Except as provided in subsection ~~(m)~~; **(n)**, for purposes of
 29 IC 5-14-3-4(a)(1), the following information is confidential, may not
 30 be published, and is not open to public inspection:
 31 (1) Information submitted by a person under this section to:
 32 (A) obtain; or
 33 (B) renew;
 34 a **reciprocity** license. ~~to carry a handgun.~~
 35 (2) Information obtained by a federal, state, or local government
 36 entity in the course of an investigation concerning a person who
 37 applies to:
 38 (A) obtain; or
 39 (B) renew;
 40 a **reciprocity** license ~~to carry a handgun~~ issued under this
 41 chapter.
 42 (3) The name, address, and any other information that may be



1 used to identify a person who holds a **reciprocity** license to carry
2 a handgun issued under this chapter.

3 ~~(m)~~ **(n)** Notwithstanding subsection ~~(+)~~ **(m)**:

4 (1) any information concerning an applicant for or a person who
5 holds a **reciprocity** license to carry a handgun issued under this
6 chapter may be released to a federal, state, or local government
7 entity:

8 (A) for law enforcement purposes; or

9 (B) to determine the validity of a **reciprocity** license; to carry
10 a handgun; and

11 (2) general information concerning the issuance of **reciprocity**
12 licenses to carry handguns in Indiana may be released to a person
13 conducting journalistic or academic research, but only if all
14 personal information that could disclose the identity of any person
15 who holds a **reciprocity** license to carry a handgun issued under
16 this chapter has been removed from the general information.

17 ~~(n)~~ **(o)** A person who knowingly or intentionally violates this section
18 commits a Class B misdemeanor.

19 SECTION 22. IC 35-47-2-4, AS AMENDED BY P.L.17-2017,
20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2018]: Sec. 4. (a) **Reciprocity** licenses to carry handguns
22 shall be either qualified or unlimited, and issued under section 3 of
23 this chapter are valid for:

24 (1) four (4) years from the date of issue in the case of a four (4)
25 year **reciprocity** license; or

26 (2) the life of the individual receiving the **reciprocity** license in
27 the case of a lifetime **reciprocity** license.

28 A qualified license shall be issued for hunting and target practice. The
29 superintendent may adopt rules imposing limitations on the use and
30 carrying of handguns under a license when handguns are carried by a
31 licensee as a condition of employment. Unlimited licenses shall be
32 issued for the purpose of the protection of life and property:

33 (b) In addition to the application fee, the fee for:

34 ~~(+)~~ a qualified license shall be:

35 ~~(A)~~ five dollars (\$5) for a four (4) year qualified license;

36 ~~(B)~~ twenty-five dollars (\$25) for a lifetime qualified license
37 from a person who does not currently possess a valid Indiana
38 handgun license; or

39 ~~(C)~~ twenty dollars (\$20) for a lifetime qualified license from
40 a person who currently possesses a valid Indiana handgun
41 license; and

42 ~~(2)~~ an unlimited license shall be:



1 (A) thirty dollars (\$30) for a four (4) year unlimited license;
 2 (B) seventy-five dollars (\$75) for a lifetime unlimited license
 3 from a person who does not currently possess a valid Indiana
 4 handgun license; or
 5 (C) sixty dollars (\$60) for a lifetime unlimited license from a
 6 person who currently possesses a valid Indiana handgun
 7 license.

8 (b) The superintendent shall charge a twenty dollar (\$20) fee for the
 9 issuance of a duplicate **reciprocity** license to replace a lost or damaged
 10 **reciprocity** license. ~~These fees~~ **The fee** shall be deposited in
 11 accordance with subsection ~~(f)~~: **(e)**.

12 ~~(e) Licensed dealers are exempt from the payment of fees specified~~
 13 ~~in subsection (b) for a qualified license or an unlimited license.~~

14 ~~(d)~~ **(c)** The following officers of this state or the United States who
 15 have been honorably retired by a lawfully created pension board or its
 16 equivalent after at least twenty (20) years of service or because of a
 17 disability are exempt from the payment of ~~fees~~ **the fee** specified in
 18 subsection (b):

- 19 (1) Police officers.
- 20 (2) Sheriffs or their deputies.
- 21 (3) Law enforcement officers.
- 22 (4) Correctional officers.

23 ~~(e)~~ **(d)** The following officers described in section ~~3(e)~~ **3(f)** of this
 24 chapter who have at least twenty (20) years of service are exempt from
 25 the payment of ~~fees~~ **the fee** for a lifetime ~~qualified license or a lifetime~~
 26 **unlimited reciprocity** license specified in subsection (b):

- 27 (1) Police officers.
- 28 (2) Sheriffs or their deputies.
- 29 (3) Law enforcement officers of the United States government.

30 ~~(f)~~ **(e)** Fees collected under this section shall be deposited in the
 31 state general fund.

32 ~~(g)~~ **(f)** The superintendent may not issue a lifetime ~~qualified license~~
 33 ~~or a lifetime unlimited reciprocity~~ license to a person who is a resident
 34 of another state. The superintendent may issue a four (4) year ~~qualified~~
 35 ~~license or a four (4) year unlimited reciprocity~~ license to a person who
 36 is a resident of another state and who has a regular place of business or
 37 employment in Indiana as described in section ~~3(a)(3)~~ **3(b)(3)** of this
 38 chapter.

39 ~~(h)~~ **(g)** A person who knowingly or intentionally violates this section
 40 commits a Class B misdemeanor.

41 SECTION 23. IC 35-47-2-5, AS AMENDED BY P.L.158-2013,
 42 SECTION 576, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) The superintendent may
 2 suspend or revoke any license issued under this chapter if the
 3 superintendent has reasonable grounds to believe that the person's
 4 license should be suspended or revoked.

5 (b) Documented evidence that a person is not a "proper person" to
 6 be licensed as defined by IC 35-47-1-7, or is prohibited under section
 7 ~~3(g)(5)~~ **3(h)(5)** of this chapter from being issued a **reciprocity** license,
 8 shall be grounds for immediate suspension or revocation of a
 9 **reciprocity** license previously issued under this chapter. However, if
 10 a **reciprocity** license is suspended or revoked based solely on an arrest
 11 under section ~~3(g)(5)~~ **3(h)(5)** of this chapter, the **reciprocity** license
 12 shall be reinstated upon the acquittal of the defendant in that case or
 13 upon the dismissal of the charges for the specific offense.

14 (c) A person who knowingly or intentionally fails to promptly return
 15 the person's **reciprocity** license after written notice of suspension or
 16 revocation commits a Class A misdemeanor. The observation of a
 17 ~~handgun~~ **reciprocity** license in the possession of a person whose
 18 **reciprocity** license has been suspended or revoked constitutes a
 19 sufficient basis for the arrest of that person for violation of this
 20 subsection.

21 (d) The superintendent shall establish rules under IC 4-22-2
 22 concerning the procedure for suspending or revoking a person's
 23 **reciprocity** license.

24 SECTION 24. IC 35-47-2-17, AS AMENDED BY P.L.158-2013,
 25 SECTION 581, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2018]: Sec. 17. (a) No person, in purchasing or
 27 otherwise securing delivery of a firearm or in applying for a
 28 **reciprocity** license, ~~to carry a handgun~~, shall knowingly or
 29 intentionally:

- 30 (1) give false information on a form required to:
 31 (A) purchase or secure delivery of a firearm; or
 32 (B) apply for a **reciprocity** license; ~~to carry a handgun~~; or
 33 (2) offer false evidence of identity.

34 In addition to any penalty provided by this chapter, any firearm
 35 obtained through false information shall be subject to confiscation and
 36 disposition as provided in this chapter. Upon notice of a violation of
 37 this section by the superintendent, it shall be the duty of the sheriff or
 38 chief of police or corresponding officer of the jurisdiction in which the
 39 purchaser resides to confiscate the firearm and retain it as evidence
 40 pending trial for the offense.

41 (b) A person who knowingly or intentionally violates this section
 42 commits a Level 5 felony.



1 SECTION 25. IC 35-47-2-20 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 20. (a) A full pardon
 3 from the governor of Indiana for:

- 4 (1) a felony other than a felony that is included in IC 35-42; or
 5 (2) a violation of this chapter;

6 removes any disability under this chapter imposed because of that
 7 offense, if fifteen (15) years have elapsed between the time of the
 8 offense and the application for a license under this chapter.

9 (b) A conditional pardon described in IC 11-9-2-4 for:

- 10 (†) a felony; or
 11 (2) a violation of this chapter;

12 removes a disability under this chapter if the superintendent determines
 13 after an investigation that circumstances have changed since the
 14 pardoned conviction was entered to such an extent that the pardoned
 15 person is likely to handle handguns in compliance with the law.

16 SECTION 26. IC 35-47-2-22 IS REPEALED [EFFECTIVE JULY
 17 1, 2018]. Sec. 22: (a) It is unlawful for any person to use, or to attempt
 18 to use, a false, counterfeit, spurious, or altered handgun-carrying
 19 license to obtain a handgun contrary to the provisions of this chapter.

20 (b) A person who knowingly or intentionally violates this section
 21 commits a Level 6 felony.

22 SECTION 27. IC 35-47-2-24 IS REPEALED [EFFECTIVE JULY
 23 1, 2018]. Sec. 24: (a) In an information or indictment brought for the
 24 enforcement of any provision of this chapter, it is not necessary to
 25 negate any exemption specified under this chapter, or to allege the
 26 absence of a license required under this chapter. The burden of proof
 27 is on the defendant to prove that he is exempt under section 2 of this
 28 chapter, or that he has a license as required under this chapter.

29 (b) Whenever a person who has been arrested or charged with a
 30 violation of section † of this chapter presents a valid license to the
 31 prosecuting attorney or establishes that he is exempt under section 2 of
 32 this chapter, any prosecution for a violation of section † of this chapter
 33 shall be dismissed immediately, and all records of an arrest or
 34 proceedings following arrest shall be destroyed immediately.

35 SECTION 28. IC 35-47-2.5-1, AS AMENDED BY P.L.152-2014,
 36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2018]: Sec. 1. (a) Sections 2 through 5 of this chapter do not
 38 apply to the following:

- 39 (1) Transactions between persons who are licensed as firearms
 40 importers or collectors or firearms manufacturers or dealers under
 41 18 U.S.C. 923.
 42 (2) Purchases by or sales to a law enforcement officer or agent of



1 the United States, the state, or a county or local government.

2 (3) Indiana residents ~~licensed to carry handguns under~~
 3 ~~IC 35-47-2-3~~ **in possession of a reciprocity license described**
 4 **in IC 35-47-2-3.**

5 (b) Notwithstanding any other provision of this chapter, the state
 6 shall participate in the NICS if federal funds are available to assist the
 7 state in participating in the NICS. If:

8 (1) the state participates in the NICS; and

9 (2) there is a conflict between:

10 (A) a provision of this chapter; and

11 (B) a procedure required under the NICS;

12 the procedure required under the NICS prevails over the conflicting
 13 provision of this chapter.

14 SECTION 29. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,
 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2018]: Sec. 4. This chapter may not be construed to prevent
 17 any of the following:

18 (1) A law enforcement agency of a political subdivision from
 19 enacting and enforcing regulations pertaining to firearms,
 20 ammunition, or firearm accessories issued to or used by law
 21 enforcement officers in the course of their official duties.

22 (2) Subject to IC 34-28-7-2, an employer from regulating or
 23 prohibiting the employees of the employer from carrying firearms
 24 and ammunition in the course of the employee's official duties.

25 (3) A court or administrative law judge from hearing and
 26 resolving any case or controversy or issuing any opinion or order
 27 on a matter within the jurisdiction of the court or judge.

28 (4) The enactment or enforcement of generally applicable zoning
 29 or business ordinances that apply to firearms businesses to the
 30 same degree as other similar businesses. However, a provision of
 31 an ordinance that is designed or enforced to effectively restrict or
 32 prohibit the sale, purchase, transfer, manufacture, or display of
 33 firearms, ammunition, or firearm accessories that is otherwise
 34 lawful under the laws of this state is void. A unit (as defined in
 35 IC 36-1-2-23) may not use the unit's planning and zoning powers
 36 under IC 36-7-4 to prohibit the sale of firearms within a
 37 prescribed distance of any other type of commercial property or
 38 of school property or other educational property.

39 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a
 40 provision prohibiting or restricting the possession of a firearm in
 41 any building that contains the courtroom of a circuit, superior,
 42 city, town, or small claims court. However, if a portion of the



- 1 building is occupied by a residential tenant or private business,
 2 any provision restricting or prohibiting the possession of a firearm
 3 does not apply to the portion of the building that is occupied by
 4 the residential tenant or private business, or to common areas of
 5 the building used by a residential tenant or private business.
- 6 (6) The enactment or enforcement of a provision prohibiting or
 7 restricting the intentional display of a firearm at a public meeting.
- 8 (7) The enactment or enforcement of a provision prohibiting or
 9 restricting the possession of a firearm in a public hospital
 10 corporation that contains a secure correctional health unit that is
 11 staffed by a law enforcement officer twenty-four (24) hours a day.
- 12 (8) The imposition of any restriction or condition placed on a
 13 person participating in:
- 14 (A) a community corrections program (IC 11-12-1);
 15 (B) a forensic diversion program (IC 11-12-3.7); or
 16 (C) a pretrial diversion program (IC 33-39-1).
- 17 (9) The enforcement or prosecution of the offense of criminal
 18 recklessness (IC 35-42-2-2) involving the use of a firearm.
- 19 (10) For an event occurring on property leased from a political
 20 subdivision or municipal corporation by the promoter or organizer
 21 of the event:
- 22 (A) the establishment, by the promoter or organizer, at the
 23 promoter's or organizer's own discretion, of rules of conduct or
 24 admission upon which attendance at or participation in the
 25 event is conditioned; or
 26 (B) the implementation or enforcement of the rules of conduct
 27 or admission described in clause (A) by a political subdivision
 28 or municipal corporation in connection with the event.
- 29 (11) The enactment or enforcement of a provision prohibiting or
 30 restricting the possession of a firearm in a hospital established
 31 and operated under IC 16-22-2 or IC 16-23.
- 32 (12) A unit from using the unit's planning and zoning powers
 33 under IC 36-7-4 to prohibit the sale of firearms within two
 34 hundred (200) feet of a school by a person having a business that
 35 did not sell firearms within two hundred (200) feet of a school
 36 before April 1, 1994.
- 37 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)
 38 from enacting or enforcing a provision prohibiting or restricting
 39 the possession of a firearm in a building owned or administered
 40 by the unit if:
- 41 (A) metal detection devices are located at each public entrance
 42 to the building;



- 1 (B) each public entrance to the building is staffed by at least
 2 one (1) law enforcement officer:
 3 (i) who has been adequately trained to conduct inspections
 4 of persons entering the building by use of metal detection
 5 devices and proper physical pat down searches; and
 6 (ii) when the building is open to the public; and
 7 (C) each:
 8 (i) individual who enters the building through the public
 9 entrance when the building is open to the public; and
 10 (ii) bag, package, and other container carried by the
 11 individual;
 12 is inspected by a law enforcement officer described in clause
 13 (B).

14 However, except as provided in subdivision (5) concerning a
 15 building that contains a courtroom, a unit may not prohibit or
 16 restrict the possession of a handgun under this subdivision in a
 17 building owned or administered by the unit if the person who
 18 possesses the handgun ~~has been issued a valid license to carry the~~
 19 ~~handgun under IC 35-47-2~~. **is not otherwise prohibited from**
 20 **carrying or possessing a handgun.**

21 SECTION 30. IC 35-47-14-6, AS ADDED BY P.L.1-2006,
 22 SECTION 537, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) In a hearing conducted under
 24 section 5 of this chapter, the state has the burden of proving all material
 25 facts by clear and convincing evidence.

26 (b) If the court, in a hearing under section 5 of this chapter,
 27 determines that the state has proved by clear and convincing evidence
 28 that the individual is dangerous, the court may order that the law
 29 enforcement agency having custody of the seized firearm retain the
 30 firearm. In addition, if the individual has received a **reciprocity**
 31 **to carry a handgun under IC 35-47-2-3**, the court shall suspend the
 32 individual's **reciprocity** license. ~~to carry a handgun~~. If the court
 33 determines that the state has failed to prove that the individual is
 34 dangerous, the court shall order the law enforcement agency having
 35 custody of the firearm to return the firearm to the individual from
 36 whom it was seized.

37 (c) If the court, in a hearing under section 5 of this chapter, orders
 38 a law enforcement agency to retain a firearm, the law enforcement
 39 agency shall retain the firearm until the court orders the firearm
 40 returned or otherwise disposed of.

41 SECTION 31. IC 35-50-2-13, AS AMENDED BY P.L.84-2015,
 42 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 13. (a) The state may seek, on a page separate
 2 from the rest of a charging instrument, to have a person who allegedly
 3 committed an offense of dealing in a controlled substance under
 4 IC 35-48-4-1 through IC 35-48-4-4 sentenced to an additional fixed
 5 term of imprisonment if the state can show beyond a reasonable doubt
 6 that the person knowingly or intentionally:

7 (1) used a firearm; or

8 (2) possessed a:

9 ~~(A) handgun in violation of IC 35-47-2-1;~~

10 ~~(B) (A) sawed-off shotgun in violation of federal law; or~~

11 ~~(C) (B) machine gun in violation of IC 35-47-5-8;~~

12 while committing the offense.

13 (b) If the person was convicted of the offense in a jury trial, the jury
 14 shall reconvene to hear evidence in the enhancement hearing. If the
 15 trial was to the court, or the judgment was entered on a guilty plea, the
 16 court alone shall hear evidence in the enhancement hearing.

17 (c) If the jury (if the hearing is by jury) or the court (if the hearing
 18 is to the court alone) finds that the state has proved beyond a
 19 reasonable doubt that the person knowingly or intentionally committed
 20 an offense as described in subsection (a), the court may sentence the
 21 person to an additional fixed term of imprisonment of not more than
 22 five (5) years, except as follows:

23 (1) If the firearm is a sawed-off shotgun, the court may sentence
 24 the person to an additional fixed term of imprisonment of not
 25 more than ten (10) years.

26 (2) If the firearm is a machine gun or is equipped with a firearm
 27 silencer or firearm muffler, the court may sentence the person to
 28 an additional fixed term of imprisonment of not more than twenty
 29 (20) years. The additional sentence under this subdivision is in
 30 addition to any additional sentence imposed under section 11 of
 31 this chapter for use of a firearm in the commission of an offense.

