



February 15, 2021

HOUSE BILL No. 1369

DIGEST OF HB 1369 (Updated February 15, 2021 2:04 pm - DI 144)

Citations Affected: IC 5-2; IC 11-13; IC 14-16; IC 21-17; IC 21-39; IC 31-30; IC 35-31.5; IC 35-33; IC 35-43; IC 35-47; IC 35-50.

Synopsis: Firearms matters. Effective March 30, 2022: (1) Repeals the law that requires a person to obtain a license to carry a handgun in Indiana; (2) Specifies that certain persons who are not otherwise prohibited from carrying or possessing a handgun are not required to obtain or possess a license or permit from the state to carry a handgun in Indiana; (3) Prohibits certain individuals from knowingly or intentionally carrying a handgun; (4) Creates the crime of "unlawful carrying of a handgun"; (5) Provides that a prohibited person who knowingly or intentionally carries a handgun commits a Class A misdemeanor; (6) Specifies that the unlawful carrying of a handgun is a Level 5 felony if a person: (A) is less than 23 years of age; and (B) has an adjudication as a delinquent child for an act described by IC 35-47-4-5 (unlawful possession of a firearm by a serious violent felon); (7) Allows a resident of Indiana who wishes to carry a firearm in another
(Continued next page)

Effective: July 1, 2021; March 30, 2022.

Smaltz, Lehman, Wesco

January 14, 2021, read first time and referred to Committee on Public Policy.
February 15, 2021, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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Digest Continued

state under a reciprocity agreement entered into by Indiana and the other state to obtain from the superintendent of the state police department a reciprocity license; (8) Requires law enforcement agencies to make use of certain data bases when issuing reciprocity licenses; (9) Specifies the following fees for reciprocity licenses: (A) \$0 for five year reciprocity licenses, and (B) \$75 for lifetime reciprocity licenses; (10) Provides that a person who knowingly or intentionally exerts unauthorized control over a firearm of another person with the intent to deprive the person of any part of its value or use commits theft, a Level 5 felony; and (11) Allows for the imposition of an additional fixed term of imprisonment when a person knowingly or intentionally: (A) points; or (B) discharges; a firearm at someone the person knew, or reasonably should have known, was a first responder. Effective July 1, 2021: (1) Provides that the following must develop a process that allows law enforcement officers the ability to quickly access information about whether a person is a prohibited person who may not knowingly or intentionally carry a handgun: (A) The state police department; (B) The bureau of motor vehicles; (C) Local law enforcement agencies; and (D) Any other state entity with access to information related to persons who may not knowingly or intentionally carry a handgun; (2) Provides that the information made available to law enforcement officers must meet all state and federal statutory, constitutional, and regulatory requirements; and (3) Allows state entities to enter into a memorandum of understanding to ensure that all legal requirements are met. Defines certain terms. Makes conforming amendments.

HB 1369—LS 7277/DI 123



February 15, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1369

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 5-2-1-9, AS AMENDED BY P.L.86-2018,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 MARCH 30, 2022]: Sec. 9. (a) The board shall adopt in accordance
4 with IC 4-22-2 all necessary rules to carry out the provisions of this
5 chapter. The rules, which shall be adopted only after necessary and
6 proper investigation and inquiry by the board, shall include the
7 establishment of the following:

8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.

13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.

16 (3) Minimum standards for courses of study, attendance
17 requirements, equipment, and facilities for approved town, city,

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- 1 county, and state law enforcement officer, police reserve officer,
2 and conservation reserve officer training schools.
- 3 (4) Minimum standards for a course of study on cultural diversity
4 awareness, including training on the U nonimmigrant visa created
5 through the federal Victims of Trafficking and Violence
6 Protection Act of 2000 (P.L. 106-386) that must be required for
7 each person accepted for training at a law enforcement training
8 school or academy. Cultural diversity awareness study must
9 include an understanding of cultural issues related to race,
10 religion, gender, age, domestic violence, national origin, and
11 physical and mental disabilities.
- 12 (5) Minimum qualifications for instructors at approved law
13 enforcement training schools.
- 14 (6) Minimum basic training requirements which law enforcement
15 officers appointed to probationary terms shall complete before
16 being eligible for continued or permanent employment.
- 17 (7) Minimum basic training requirements which law enforcement
18 officers appointed on other than a permanent basis shall complete
19 in order to be eligible for continued employment or permanent
20 appointment.
- 21 (8) Minimum basic training requirements which law enforcement
22 officers appointed on a permanent basis shall complete in order
23 to be eligible for continued employment.
- 24 (9) Minimum basic training requirements for each person
25 accepted for training at a law enforcement training school or
26 academy that include six (6) hours of training in interacting with:
27 (A) persons with autism, mental illness, addictive disorders,
28 intellectual disabilities, and developmental disabilities;
29 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
30 and
31 (C) persons with Alzheimer's disease or related senile
32 dementia;
- 33 to be provided by persons approved by the secretary of family and
34 social services and the board. The training must include an
35 overview of the crisis intervention teams.
- 36 (10) Minimum standards for a course of study on human and
37 sexual trafficking that must be required for each person accepted
38 for training at a law enforcement training school or academy and
39 for inservice training programs for law enforcement officers. The
40 course must cover the following topics:
41 (A) Examination of the human and sexual trafficking laws
42 (IC 35-42-3.5).



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



1 (2) an:

2 (A) attorney; or

3 (B) investigator;

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

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

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

16 (1) law enforcement officers;

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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



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

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

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

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

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

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

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

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

21 (1) arrest;

22 (2) search; and

23 (3) seizure.

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

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

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

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

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

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

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



- 1 (d).
- 2 (s) The board shall adopt rules under IC 4-22-2 to establish a
- 3 refresher course for an individual who:
- 4 (1) is appointed as a board certified instructor of law enforcement
- 5 training; and
- 6 (2) has not provided law enforcement training instruction for
- 7 more than one (1) year after the date the individual's instructor
- 8 certification expired.
- 9 An individual to whom this subsection applies must successfully
- 10 complete the refresher course established by the board in order to
- 11 renew the individual's instructor certification.
- 12 (t) This subsection applies only to a gaming agent employed as a
- 13 law enforcement officer by the Indiana gaming commission. A gaming
- 14 agent appointed after June 30, 2005, may exercise the police powers
- 15 described in subsection (d) if:
- 16 (1) the agent successfully completes the pre-basic course
- 17 established in subsection (f); and
- 18 (2) the agent successfully completes any other training courses
- 19 established by the Indiana gaming commission in conjunction
- 20 with the board.
- 21 (u) This subsection applies only to a securities enforcement officer
- 22 designated as a law enforcement officer by the securities
- 23 commissioner. A securities enforcement officer may exercise the police
- 24 powers described in subsection (d) if:
- 25 (1) the securities enforcement officer successfully completes the
- 26 pre-basic course established in subsection (f); and
- 27 (2) the securities enforcement officer successfully completes any
- 28 other training courses established by the securities commissioner
- 29 in conjunction with the board.
- 30 (v) As used in this section, "upper level policymaking position"
- 31 refers to the following:
- 32 (1) If the authorized size of the department or town marshal
- 33 system is not more than ten (10) members, the term refers to the
- 34 position held by the police chief or town marshal.
- 35 (2) If the authorized size of the department or town marshal
- 36 system is more than ten (10) members but less than fifty-one (51)
- 37 members, the term refers to:
- 38 (A) the position held by the police chief or town marshal; and
- 39 (B) each position held by the members of the police
- 40 department or town marshal system in the next rank and pay
- 41 grade immediately below the police chief or town marshal.
- 42 (3) If the authorized size of the department or town marshal



1 system is more than fifty (50) members, the term refers to:

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

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

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

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

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

15 SECTION 2. IC 11-13-1-3.5, AS AMENDED BY P.L.4-2017,
16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 MARCH 30, 2022]: Sec. 3.5. A probation officer may not carry a
18 handgun ~~as described in IC 35-47-2-1~~ **in any vehicle or on or about**
19 **the probation officer's body** while acting in the scope of employment
20 as a probation officer unless all of the following conditions are met:

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

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

25 ~~(3)~~ **(2)** The probation officer successfully completes a handgun
26 safety course certified by the law enforcement training board
27 under IC 5-2-1-9(n).

28 SECTION 3. IC 14-16-1-23, AS AMENDED BY P.L.35-2011,
29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 MARCH 30, 2022]: Sec. 23. (a) An individual shall not operate a
31 vehicle under any of the following conditions:

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

35 (2) While:

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

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

39 (3) During the hours from thirty (30) minutes after sunset to thirty
40 (30) minutes before sunrise without displaying a lighted headlight
41 and a lighted taillight.

42 (4) In a forest nursery, a planting area, or public land posted or



- 1 reasonably identified as an area of forest or plant reproduction
 2 and when growing stock may be damaged.
 3 (5) On the frozen surface of public waters within:
 4 (A) one hundred (100) feet of an individual not in or upon a
 5 vehicle; or
 6 (B) one hundred (100) feet of a fishing shanty or shelter;
 7 except at a speed of not more than five (5) miles per hour.
 8 (6) Unless the vehicle is equipped with a muffler in good working
 9 order and in constant operation to prevent excessive or unusual
 10 noise and annoying smoke.
 11 (7) Within one hundred (100) feet of a dwelling between midnight
 12 and 6:00 a.m., except on the individual's own property or property
 13 under the individual's control or as an invited guest.
 14 (8) On any property without the consent of the landowner or
 15 tenant.
 16 (9) While transporting on or in the vehicle a firearm, unless the
 17 firearm is:
 18 (A) unloaded; and
 19 (B) securely encased or equipped with and made inoperative
 20 by a manufactured keylocked trigger housing mechanism.
 21 (10) On or across a cemetery or burial ground.
 22 (11) Within one hundred (100) feet of a slide, ski, or skating area,
 23 except for the purpose of servicing the area.
 24 (12) On a railroad track or railroad right-of-way, except railroad
 25 personnel in the performance of duties.
 26 (13) In or upon a flowing river, stream, or creek, except for the
 27 purpose of crossing by the shortest possible route, unless the
 28 river, stream, or creek is of sufficient water depth to permit
 29 movement by flotation of the vehicle at all times.
 30 (14) An individual shall not operate a vehicle while a bow is
 31 present in or on the vehicle if the nock of an arrow is in position
 32 on the string of the bow.
 33 (b) Subsection (a)(9) does not apply to a person who is carrying a
 34 firearm:
 35 (1) if
 36 (A) the firearm is a handgun; and
 37 (B) the person ~~has been issued an unlimited handgun license~~
 38 ~~to carry a handgun under IC 35-47-2; is not otherwise~~
 39 **prohibited from possessing a firearm under state or**
 40 **federal law;**
 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 ~~(B)~~ (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 4. IC 21-17-5-6, AS AMENDED BY P.L.107-2019,
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 MARCH 30, 2022]: Sec. 6. Whenever a police officer retires after at
 13 least twenty (20) years of service, the police officer may retain the
 14 officer's service weapon. The officer is entitled to receive, in
 15 recognition of the service to the educational institution and the public,
 16 a badge that indicates that the officer is retired. Upon retirement, the
 17 state police department shall issue to the police officer an identification
 18 card that:

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

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

25 SECTION 5. IC 21-39-4-7, AS AMENDED BY P.L.107-2019,
 26 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 MARCH 30, 2022]: Sec. 7. Whenever a police officer retires after at
 28 least twenty (20) years of service, the police officer may retain the
 29 officer's service weapon. The officer is entitled to receive, in
 30 recognition of the service to the state educational institution and the
 31 public, a badge that indicates that the officer is retired. Upon
 32 retirement, the state police department shall issue to the police officer
 33 an identification card that:

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

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

40 SECTION 6. IC 31-30-1-4, AS AMENDED BY P.L.28-2016,
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 MARCH 30, 2022]: Sec. 4. (a) The juvenile court does not have



- 1 jurisdiction over an individual for an alleged violation of:
- 2 (1) IC 35-41-5-1(a) (attempted murder);
- 3 (2) IC 35-42-1-1 (murder);
- 4 (3) IC 35-42-3-2 (kidnapping);
- 5 (4) IC 35-42-4-1 (rape);
- 6 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
- 7 (6) IC 35-42-5-1 (robbery) if:
- 8 (A) the robbery was committed while armed with a deadly
- 9 weapon; or
- 10 (B) the robbery results in bodily injury or serious bodily
- 11 injury;
- 12 (7) IC 35-42-5-2 (carjacking) (before its repeal);
- 13 (8) ~~IC 35-47-2-1 (carrying a handgun without a license); if~~
- 14 **charged as a felony; IC 35-47-2-1.8 (unlawful carrying of a**
- 15 **handgun) if the violation of IC 35-47-2-1.8 occurred during**
- 16 **the commission of another crime;**
- 17 (9) IC 35-47-10 (children and firearms), if charged as a felony; or
- 18 (10) any offense that may be joined under IC 35-34-1-9(a)(2) with
- 19 any crime listed in this subsection;
- 20 if the individual was at least sixteen (16) years of age but less than
- 21 eighteen (18) years of age at the time of the alleged violation.
- 22 (b) Once an individual described in subsection (a) has been charged
- 23 with any offense listed in subsection (a), the court having adult
- 24 criminal jurisdiction shall retain jurisdiction over the case if the
- 25 individual pleads guilty to or is convicted of any offense listed in
- 26 subsection (a)(1) through (a)(9).
- 27 (c) If:
- 28 (1) an individual described in subsection (a) is charged with one
- 29 (1) or more offenses listed in subsection (a);
- 30 (2) all the charges under subsection (a)(1) through (a)(9) resulted
- 31 in an acquittal or were dismissed; and
- 32 (3) the individual pleads guilty to or is convicted of any offense
- 33 other than an offense listed in subsection (a)(1) through (a)(9);
- 34 the court having adult criminal jurisdiction may withhold judgment and
- 35 transfer jurisdiction to the juvenile court for adjudication and
- 36 disposition. In determining whether to transfer jurisdiction to the
- 37 juvenile court for adjudication and disposition, the court having adult
- 38 criminal jurisdiction shall consider whether there are appropriate
- 39 services available in the juvenile justice system, whether the child is
- 40 amenable to rehabilitation under the juvenile justice system, and
- 41 whether it is in the best interests of the safety and welfare of the
- 42 community that the child be transferred to juvenile court. All orders



1 concerning release conditions remain in effect until a juvenile court
 2 detention hearing, which must be held not later than forty-eight (48)
 3 hours, excluding Saturdays, Sundays, and legal holidays, after the order
 4 of transfer of jurisdiction.

5 SECTION 7. IC 35-31.5-2-78, AS AMENDED BY P.L.40-2019,
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 MARCH 30, 2022]: Sec. 78. "Crime of domestic violence", for
 8 purposes of IC 5-2-6.1, IC 35-38-9, **IC 35-47-2-1.8**, and IC 35-47-4-7,
 9 means an offense or the attempt to commit an offense that:

10 (1) has as an element the:

11 (A) use of physical force; or

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

13 (2) is committed against a family or household member, as
 14 defined in section 128 of this chapter.

15 SECTION 8. IC 35-31.5-2-215, AS ADDED BY P.L.114-2012,
 16 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 MARCH 30, 2022]: Sec. 215. (a) Except as provided in subsections (b)
 18 and (c), "offense" means a crime. The term does not include an
 19 infraction.

20 (b) "Offense", for purposes of IC 35-38-7, has the meaning set forth
 21 in IC 35-38-7-3.

22 (c) "Offense", for purposes of IC 35-50-2-11, has the meaning set
 23 forth in ~~IC 35-50-2-11(b)~~. **IC 35-50-2-11(c)**.

24 SECTION 9. IC 35-33-1-1, AS AMENDED BY P.L.65-2016,
 25 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 MARCH 30, 2022]: Sec. 1. (a) A law enforcement officer may arrest
 27 a person when the officer has:

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

29 (2) probable cause to believe the person has committed or
 30 attempted to commit, or is committing or attempting to commit,
 31 a felony;

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

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

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

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

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

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

42 (6) probable cause to believe that the person violated



- 1 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;
- 2 (7) probable cause to believe that the person violated
- 3 ~~IC 35-47-2-1 (carrying a handgun without a license) or~~
- 4 ~~IC 35-47-2-22 (counterfeit handgun license); IC 35-47-2-1.8~~
- 5 **(unlawful carrying of a handgun);**
- 6 (8) probable cause to believe that the person is violating or has
- 7 violated an order issued under IC 35-50-7;
- 8 (9) probable cause to believe that the person is violating or has
- 9 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
- 10 device);
- 11 (10) probable cause to believe that the person is:
- 12 (A) violating or has violated IC 35-45-2-5 (interference with
- 13 the reporting of a crime); and
- 14 (B) interfering with or preventing the reporting of a crime
- 15 involving domestic or family violence (as defined in
- 16 IC 34-6-2-34.5);
- 17 (11) probable cause to believe that the person has committed theft
- 18 (IC 35-43-4-2);
- 19 (12) a removal order issued for the person by an immigration
- 20 court;
- 21 (13) a detainer or notice of action for the person issued by the
- 22 United States Department of Homeland Security; or
- 23 (14) probable cause to believe that the person has been indicted
- 24 for or convicted of one (1) or more aggravated felonies (as
- 25 defined in 8 U.S.C. 1101(a)(43)).
- 26 (b) A person who:
- 27 (1) is employed full time as a federal enforcement officer;
- 28 (2) is empowered to effect an arrest with or without warrant for a
- 29 violation of the United States Code; and
- 30 (3) is authorized to carry firearms in the performance of the
- 31 person's duties;
- 32 may act as an officer for the arrest of offenders against the laws of this
- 33 state where the person reasonably believes that a felony has been or is
- 34 about to be committed or attempted in the person's presence.
- 35 SECTION 10. IC 35-43-4-2, AS AMENDED BY P.L.276-2019,
- 36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 MARCH 30, 2022]: Sec. 2. (a) A person who knowingly or
- 38 intentionally exerts unauthorized control over property of another
- 39 person, with intent to deprive the other person of any part of its value
- 40 or use, commits theft, a Class A misdemeanor. However, the offense is:
- 41 (1) a Level 6 felony if:
- 42 (A) the value of the property is at least seven hundred fifty



- 1 dollars (\$750) and less than fifty thousand dollars (\$50,000);
 2 (B) the property is a:
 3 (i) ~~firearm~~;
 4 (ii) (i) motor vehicle (as defined in IC 9-13-2-105(a)); or
 5 (iii) (ii) component part (as defined in IC 9-13-2-34) of a
 6 motor vehicle; or
 7 (C) the person has a prior unrelated conviction for
 8 (i) theft under this section; or
 9 (ii) criminal conversion under section 3 of this chapter; ~~and~~
 10 (2) a Level 5 felony if:
 11 (A) the value of the property is at least fifty thousand dollars
 12 (\$50,000);
 13 (B) the property that is the subject of the theft is a valuable
 14 metal (as defined in IC 25-37.5-1-1) and:
 15 (i) relates to transportation safety;
 16 (ii) relates to public safety; or
 17 (iii) is taken from a hospital or other health care facility,
 18 telecommunications provider, public utility (as defined in
 19 IC 32-24-1-5.9(a)), or critical infrastructure facility;
 20 and the absence of the property creates a substantial risk of
 21 bodily injury to a person; or
 22 (C) the property is a:
 23 (i) motor vehicle (as defined in IC 9-13-2-105(a)); or
 24 (ii) component part (as defined in IC 9-13-2-34) of a motor
 25 vehicle; and
 26 the person has a prior unrelated conviction for theft of a motor
 27 vehicle (as defined in IC 9-13-2-105(a)) or theft of a
 28 component part (as defined in IC 9-13-2-34); **and**
 29 **(3) a Level 5 felony if the property is a firearm.**
 30 (b) For purposes of this section, "the value of property" means:
 31 (1) the fair market value of the property at the time and place the
 32 offense was committed; or
 33 (2) if the fair market value of the property cannot be satisfactorily
 34 determined, the cost to replace the property within a reasonable
 35 time after the offense was committed.
 36 A price tag or price marking on property displayed or offered for sale
 37 constitutes prima facie evidence of the value of the property.
 38 (c) If the offense described in subsection (a) is committed by a
 39 public servant who exerted unauthorized control over public funds (as
 40 defined by IC 5-22-2-23) from the public servant's employer, the
 41 employer may be reimbursed in accordance with IC 2-3.5-4-11,
 42 IC 2-3.5-5-9, IC 5-10-5.5-19, IC 5-10.3-8-9, IC 5-10.4-5-14,



1 IC 10-12-2-10, IC 33-38-6-19.5, IC 33-39-7-10.5, IC 36-8-6-14,
2 IC 36-8-7-22, IC 36-8-7.5-19, or IC 36-8-8-17.

3 SECTION 11. IC 35-47-2-1, AS AMENDED BY P.L.221-2017,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 MARCH 30, 2022]: Sec. 1. (a) Except as provided in subsections (b)
6 and (c) and sections 2 through 2.1 of this chapter, a person shall not
7 carry a handgun in any vehicle or on or about the person's body without
8 being licensed under this chapter to carry a handgun.

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

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

15 (2) the person carries the handgun on or about the person's body
16 while lawfully present in or on property that is owned, leased,
17 rented, or otherwise legally controlled by another person, if the
18 person:

19 (A) has the consent of the owner, renter, lessor, or person who
20 legally controls the property to have the handgun on the
21 premises;

22 (B) is attending a firearms related event on the property,
23 including a gun show, firearms expo, gun owner's club or
24 convention, hunting club, shooting club, or training course; or

25 (C) is on the property to receive firearms related services,
26 including the repair, maintenance, or modification of a
27 firearm;

28 (3) the person carries the handgun in a vehicle that is owned,
29 leased, rented, or otherwise legally controlled by the person, if the
30 handgun is:

31 (A) unloaded;

32 (B) not readily accessible; and

33 (C) secured in a case;

34 (4) the person carries the handgun while lawfully present in a
35 vehicle that is owned, leased, rented, or otherwise legally
36 controlled by another person, if the handgun is:

37 (A) unloaded;

38 (B) not readily accessible; and

39 (C) secured in a case;

40 (5) the person carries the handgun:

41 (A) at a shooting range (as defined in IC 14-22-31.5-3);

42 (B) while attending a firearms instructional course; or



- 1 ~~(C)~~ while engaged in a legal hunting activity; or
- 2 (6) the person is permitted to carry a handgun without a license
- 3 under section 2.1 of this chapter (persons protected by a
- 4 protection order).
- 5 ~~(c)~~ Unless the person's right to possess a firearm has been restored
- 6 under IC 35-47-4-7, a person who has been convicted of domestic
- 7 battery under IC 35-42-2-1.3 may not possess or carry a handgun.
- 8 ~~(d)~~ **(a)** This section ~~chapter~~ may not be construed:
- 9 (1) to prohibit a person who owns, leases, rents, or otherwise
- 10 legally controls private property from regulating or prohibiting the
- 11 possession of firearms on the private property;
- 12 (2) to allow a person to adopt or enforce an ordinance, resolution,
- 13 policy, or rule that:
- 14 (A) prohibits; or
- 15 (B) has the effect of prohibiting;
- 16 an employee of the person from possessing a firearm or
- 17 ammunition that is locked in the trunk of the employee's vehicle,
- 18 kept in the glove compartment of the employee's locked vehicle,
- 19 or stored out of plain sight in the employee's locked vehicle,
- 20 unless the person's adoption or enforcement of the ordinance,
- 21 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or
- 22 (3) to allow a person to adopt or enforce a law, statute, ordinance,
- 23 resolution, policy, or rule that allows a person to possess or
- 24 transport a firearm or ammunition if the person is prohibited from
- 25 possessing or transporting the firearm or ammunition by state or
- 26 federal law.
- 27 **(b) Nothing in this chapter may be construed to affect the status**
- 28 **or validity of a five (5) year or lifetime license to carry a handgun**
- 29 **issued by the superintendent before July 1, 2021. Any license**
- 30 **described under this subsection shall remain valid for the duration**
- 31 **of the license or the lifetime of the licensee, as applicable.**
- 32 ~~(e)~~ A person who knowingly or intentionally violates this section
- 33 commits a Class A misdemeanor. However, the offense is a Level 5
- 34 felony:
- 35 (1) if the offense is committed:
- 36 (A) on or in school property;
- 37 (B) within five hundred (500) feet of school property; or
- 38 (C) on a school bus; or
- 39 (2) if the person:
- 40 (A) has a prior conviction of any offense under:
- 41 (i) this section; or
- 42 (ii) section 22 of this chapter; or



- 1 (B) has been convicted of a felony within fifteen (15) years
 2 before the date of the offense.
- 3 SECTION 12. IC 35-47-2-1.5 IS ADDED TO THE INDIANA
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE MARCH 30, 2022]: **Sec. 1.5. (a) Unless the person's**
 6 **right to possess a firearm has been restored under IC 35-47-4-7, a**
 7 **person who has been convicted of domestic battery under**
 8 **IC 35-42-2-1.3 may not possess or carry a handgun.**
- 9 (b) A person who knowingly or intentionally violates this section
 10 commits a Class A misdemeanor.
- 11 SECTION 13. IC 35-47-2-1.8 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE MARCH 30, 2022]: **Sec. 1.8. (a) The following terms**
 14 **are defined for this section:**
- 15 (1) "Adjudicated a mental defective" means a determination
 16 by a court that a person:
 17 (A) presents a danger to the person or to others; or
 18 (B) lacks the mental capacity necessary to contract or
 19 manage the person's affairs.
 20 The term includes a finding of insanity by a court in a
 21 criminal proceeding.
- 22 (2) "Alien" means any person who is not lawfully in the
 23 United States. The term includes:
 24 (A) any person who has:
 25 (i) entered the United States without inspection and
 26 authorization by an immigration officer; and
 27 (ii) not been paroled into the United States under the
 28 federal Immigration and Nationality Act;
 29 (B) a nonimmigrant:
 30 (i) whose authorized period of stay has expired; or
 31 (ii) who has violated the terms of the nonimmigrant
 32 category under which the person was admitted;
 33 (C) a person paroled under the federal Immigration and
 34 Nationality Act whose period of parole has:
 35 (i) expired; or
 36 (ii) been terminated; and
 37 (D) a person subject to an order:
 38 (i) of deportation, exclusion, or removal; or
 39 (ii) to depart the United States voluntarily;
 40 regardless of whether or not the person has left the United
 41 States.
- 42 (3) "Committed to a mental institution" means the formal



1 commitment of a person to a mental institution by a court.

2 The term includes:

3 (A) a commitment for:

4 (i) a cognitive or mental defect; or

5 (ii) a mental illness; and

6 (B) involuntary commitments.

7 The term does not include voluntary commitments or a
8 commitment made for observational purposes.

9 (4) "Crime of domestic violence" has the meaning set forth in
10 IC 35-31.5-2-78.

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

12 (6) "Fugitive from justice" means any person who:

13 (A) flees or leaves from any state to avoid prosecution for
14 a felony or misdemeanor offense; or

15 (B) flees or leaves any state to avoid testifying in a criminal
16 proceeding.

17 (7) "Indictment" means any formal accusation of a crime
18 made by a prosecuting attorney in any court for a crime
19 punishable by a term of imprisonment exceeding one (1) year.

20 (b) Except as provided in subsection (c), the following persons
21 may not knowingly or intentionally carry a handgun:

22 (1) A person convicted of a federal or state offense punishable
23 by a term of imprisonment exceeding one (1) year.

24 (2) A fugitive from justice.

25 (3) An alien.

26 (4) A person convicted of:

27 (A) a crime of domestic violence (IC 35-31.5-2-78);

28 (B) domestic battery (IC 35-42-2-1.3); or

29 (C) criminal stalking (IC 35-45-10-5).

30 (5) A person restrained by an order of protection issued under
31 IC 34-26-5.

32 (6) A person under indictment.

33 (7) A person who has been:

34 (A) adjudicated dangerous under IC 35-47-14-6;

35 (B) adjudicated a mental defective; or

36 (C) committed to a mental institution.

37 (8) A person dishonorably discharged from:

38 (A) military service; or

39 (B) the National Guard.

40 (9) A person who renounces the person's United States
41 citizenship in the manner described in 8 U.S.C. 1481.

42 (10) A person who is less than:



- 1 (A) eighteen (18) years of age; or
- 2 (B) twenty-three (23) years of age and has an adjudication
- 3 as a delinquent child for an act described by IC 35-47-4-5.
- 4 (c) Subsection (b) does not apply to a person who has
- 5 successfully petitioned for the return of a firearm under
- 6 IC 35-47-14-8.
- 7 (d) A person who violates this section commits unlawful
- 8 carrying of a handgun, a Class A misdemeanor. However, the
- 9 offense is a Level 5 felony if:
- 10 (1) the person:
- 11 (A) is less than twenty-three (23) years of age; and
- 12 (B) has an adjudication as a delinquent child for an act
- 13 described by IC 35-47-4-5; or
- 14 (2) the person violates this section:
- 15 (A) on or in school property;
- 16 (B) within five hundred (500) feet of school property; or
- 17 (C) on a school bus.

18 SECTION 14. IC 35-47-2-2 IS REPEALED [EFFECTIVE MARCH
 19 30, 2022]. Sec. 2: Section 1 of this chapter does not apply to:

- 20 (1) marshals;
- 21 (2) sheriffs;
- 22 (3) the commissioner of the department of correction or persons
- 23 authorized by the commissioner in writing to carry firearms;
- 24 (4) judicial officers;
- 25 (5) law enforcement officers;
- 26 (6) members of the armed forces of the United States or of the
- 27 national guard or organized reserves while they are on duty;
- 28 (7) regularly enrolled members of any organization duly
- 29 authorized to purchase or receive such weapons from the United
- 30 States or from this state who are at or are going to or from their
- 31 place of assembly or target practice;
- 32 (8) employees of the United States duly authorized to carry
- 33 handguns;
- 34 (9) employees of express companies when engaged in company
- 35 business; or
- 36 (10) any person engaged in the business of manufacturing;
- 37 repairing; or dealing in firearms or the agent or representative of
- 38 any such person having in the person's possession, using, or
- 39 carrying a handgun in the usual or ordinary course of that
- 40 business.

41 SECTION 15. IC 35-47-2-2.1 IS REPEALED [EFFECTIVE
 42 MARCH 30, 2022]. Sec. 2-1: (a) As used in this section, "protection



1 order" means a civil protection order issued under IC 34-26-5.

- 2 (b) A person may carry a handgun without a license if the person:
- 3 (1) has applied for a license to carry a handgun as described in
- 4 IC 35-47-2-3;
- 5 (2) is protected by a protection order;
- 6 (3) is at least eighteen (18) years of age; and
- 7 (4) is not otherwise barred by state or federal law from possessing
- 8 a handgun;

9 during the period described in subsection (e).

10 (c) A person described in subsection (b) may carry a handgun

11 without a license for a period ending sixty (60) days after the date the

12 protection order is issued.

13 SECTION 16. IC 35-47-2-3, AS AMENDED BY P.L.107-2019,

14 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

15 MARCH 30, 2022]: Sec. 3. (a) A person ~~desiring a license to carry who~~

16 **is at least eighteen (18) years of age and is not otherwise prohibited**

17 **from carrying or possessing a handgun shall apply: under state or**

18 **federal law is not required to obtain or possess a license or permit**

19 **from the state to carry a handgun in Indiana. A resident of this**

20 **state who wishes to carry a firearm in another state under a**

21 **reciprocity agreement entered into by this state and another state**

22 **may obtain an Indiana reciprocity license under this chapter by**

23 **applying:**

- 24 (1) to the chief of police or corresponding law enforcement officer
- 25 of the municipality in which the applicant resides;
- 26 (2) if that municipality has no such officer, or if the applicant does
- 27 not reside in a municipality, to the sheriff of the county in which
- 28 the applicant resides after the applicant has obtained an
- 29 application form prescribed by the superintendent; or
- 30 (3) if the applicant is a resident of another state and has a regular
- 31 place of business or employment in Indiana, to the sheriff of the
- 32 county in which the applicant has a regular place of business or
- 33 employment.

34 The superintendent and local law enforcement agencies shall allow an

35 applicant desiring to obtain or renew a **reciprocity** license ~~to carry a~~

36 ~~handgun~~ to submit an application electronically under this chapter if

37 funds are available to establish and maintain an electronic application

38 system.

39 (b) This subsection applies before July 1, 2020. The law

40 enforcement agency which accepts an application for a handgun license

41 shall collect the following application fees:

- 42 (1) From a person applying for a four (4) year handgun license, a



- 1 ten dollar (\$10) application fee, five dollars (\$5) of which shall be
 2 refunded if the license is not issued.
- 3 (2) From a person applying for a lifetime handgun license who
 4 does not currently possess a valid Indiana handgun license, a fifty
 5 dollar (\$50) application fee, thirty dollars (\$30) of which shall be
 6 refunded if the license is not issued.
- 7 (3) From a person applying for a lifetime handgun license who
 8 currently possesses a valid Indiana handgun license, a forty dollar
 9 (\$40) application fee, thirty dollars (\$30) of which shall be
 10 refunded if the license is not issued.
- 11 Except as provided in subsection (i), the fee shall be deposited into the
 12 law enforcement agency's firearms training fund or other appropriate
 13 training activities fund and used by the agency to train law enforcement
 14 officers in the proper use of firearms or in other law enforcement
 15 duties, or to purchase firearms, firearm related equipment, or body
 16 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
 17 employed by the law enforcement agency. The state board of accounts
 18 shall establish rules for the proper accounting and expenditure of funds
 19 collected under this subsection.
- 20 (c) This subsection applies after June 30, 2020. The law
 21 enforcement agency which accepts an application for a **handgun**
 22 **reciprocity** license shall not collect a fee from a person applying for a
 23 five (5) year **handgun reciprocity** license and shall collect the
 24 following application fees:
- 25 (1) From a person applying for a lifetime **handgun reciprocity**
 26 license who does not currently possess a valid Indiana **handgun**
 27 **reciprocity** license, a fifty dollar (\$50) application fee, thirty
 28 dollars (\$30) of which shall be refunded if the **reciprocity** license
 29 is not issued.
- 30 (2) From a person applying for a lifetime **handgun reciprocity**
 31 license who currently possesses a valid Indiana **handgun**
 32 **reciprocity** license, a forty dollar (\$40) application fee, thirty
 33 dollars (\$30) of which shall be refunded if the **reciprocity** license
 34 is not issued.
- 35 Except as provided in subsection (i), the fee shall be deposited into the
 36 law enforcement agency's firearms training fund or other appropriate
 37 training activities fund and used by the agency to train law enforcement
 38 officers in the proper use of firearms or in other law enforcement
 39 duties, or to purchase firearms, firearm related equipment, or body
 40 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
 41 employed by the law enforcement agency. The state board of accounts
 42 shall establish rules for the proper accounting and expenditure of funds



1 collected under this subsection.

2 (d) The officer to whom the application is made shall ascertain the
 3 applicant's name, full address, length of residence in the community,
 4 whether the applicant's residence is located within the limits of any city
 5 or town, the applicant's occupation, place of business or employment,
 6 criminal record, if any, and convictions (minor traffic offenses
 7 excepted), age, race, sex, nationality, date of birth, citizenship, height,
 8 weight, build, color of hair, color of eyes, scars and marks, whether the
 9 applicant has previously held an Indiana license to carry a handgun **or**
 10 **an Indiana reciprocity license** and, if so, the serial number of the
 11 license and year issued, whether the applicant's license has ever been
 12 suspended or revoked, and if so, the year and reason for the suspension
 13 or revocation, and the applicant's reason for desiring a license. If the
 14 applicant is not a United States citizen, the officer to whom the
 15 application is made shall ascertain the applicant's country of
 16 citizenship, place of birth, and any alien or admission number issued
 17 by the United States Citizenship and Immigration Services or United
 18 States Customs and Border Protection or any successor agency as
 19 applicable. The officer to whom the application is made shall conduct
 20 an investigation into the applicant's official records and verify thereby
 21 the applicant's character and reputation, and shall in addition verify for
 22 accuracy the information contained in the application, and shall
 23 forward this information together with the officer's recommendation for
 24 approval or disapproval and one (1) set of legible and classifiable
 25 fingerprints of the applicant to the superintendent. An investigation
 26 conducted under this section must include the consulting of available
 27 local, state, and federal criminal history data banks, including the
 28 National Instant Criminal Background Check System (NICS), to
 29 determine whether possession of a firearm by an applicant would be a
 30 violation of state or federal law.

31 (e) The superintendent may make whatever further investigation the
 32 superintendent deems necessary. Whenever disapproval is
 33 recommended, the officer to whom the application is made shall
 34 provide the superintendent and the applicant with the officer's complete
 35 and specific reasons, in writing, for the recommendation of
 36 disapproval.

37 (f) If it appears to the superintendent that the applicant:

- 38 (1) has a proper reason for ~~carrying a handgun;~~ **receiving a**
- 39 **reciprocity license;**
- 40 (2) is of good character and reputation;
- 41 (3) is a proper person to be licensed; and
- 42 (4) is:



- 1 (A) a citizen of the United States; or
 2 (B) not a citizen of the United States but is allowed to carry a
 3 firearm in the United States under federal law;
 4 the superintendent shall issue to the applicant a ~~qualified or an~~
 5 ~~unlimited reciprocity~~ license. ~~to carry any handgun lawfully possessed~~
 6 ~~by the applicant.~~ The original **reciprocity** license shall be delivered to
 7 the licensee. A copy shall be delivered to the officer to whom the
 8 application for **reciprocity** license was made. A copy shall be retained
 9 by the superintendent for at least five (5) years in the case of a five (5)
 10 year **reciprocity** license. The superintendent may adopt guidelines to
 11 establish a records retention policy for a lifetime **reciprocity** license.
 12 A five (5) year **reciprocity** license shall be valid for a period of five (5)
 13 years from the date of issue. A lifetime **reciprocity** license is valid for
 14 the life of the individual receiving the license. The **reciprocity** license
 15 of police officers, sheriffs or their deputies, and law enforcement
 16 officers of the United States government who have twenty (20) or more
 17 years of service shall be valid for the life of these individuals.
 18 However, a lifetime **reciprocity** license is automatically revoked if the
 19 license holder does not remain a proper person.
 20 (g) At the time a **reciprocity** license is issued and delivered to a
 21 licensee under subsection (f), the superintendent shall include with the
 22 **reciprocity** license information concerning ~~handgun~~ **firearms** safety
 23 rules that:
 24 (1) neither opposes nor supports an individual's right to bear
 25 arms; and
 26 (2) is:
 27 (A) recommended by a nonprofit educational organization that
 28 is dedicated to providing education on safe handling and use
 29 of firearms;
 30 (B) prepared by the state police department; and
 31 (C) approved by the superintendent.
 32 The superintendent may not deny a **reciprocity** license under this
 33 section because the information required under this subsection is
 34 unavailable at the time the superintendent would otherwise issue a
 35 license. The state police department may accept private donations or
 36 grants to defray the cost of printing and mailing the information
 37 required under this subsection.
 38 (h) A **reciprocity** license ~~to carry a handgun~~ shall not be issued to
 39 any person who:
 40 (1) has been convicted of a felony;
 41 (2) has had a license to carry a handgun **or a reciprocity license**
 42 suspended, unless the person's license has been reinstated;



- 1 (3) is under eighteen (18) years of age;
- 2 (4) is under twenty-three (23) years of age if the person has been
- 3 adjudicated a delinquent child for an act that would be a felony if
- 4 committed by an adult;
- 5 (5) has been arrested for a Class A or Class B felony for an
- 6 offense committed before July 1, 2014, for a Level 1, Level 2,
- 7 Level 3, or Level 4 felony for an offense committed after June 30,
- 8 2014, or any other felony that was committed while armed with
- 9 a deadly weapon or that involved the use of violence, if a court
- 10 has found probable cause to believe that the person committed the
- 11 offense charged; ~~or~~
- 12 (6) is prohibited by federal law from possessing or receiving
- 13 firearms under 18 U.S.C. 922(g); ~~or~~
- 14 **(7) is described in IC 35-47-2-1.8, unless exempted by**
- 15 **IC 35-47-2-1.8.**
- 16 In the case of an arrest under subdivision (5), a **reciprocity** license ~~to~~
- 17 ~~carry a handgun~~ may be issued to a person who has been acquitted of
- 18 the specific offense charged or if the charges for the specific offense
- 19 are dismissed. The superintendent shall prescribe all forms to be used
- 20 in connection with the administration of this chapter.
- 21 (i) If the law enforcement agency that charges a fee under
- 22 subsection (b) or (c) is a city or town law enforcement agency, the fee
- 23 shall be deposited in the law enforcement continuing education fund
- 24 established under IC 5-2-8-2.
- 25 (j) If a person who holds a valid **reciprocity** license ~~to carry a~~
- 26 ~~handgun~~ issued under this chapter:
- 27 (1) changes the person's name;
- 28 (2) changes the person's address; or
- 29 (3) experiences a change, including an arrest or a conviction, that
- 30 may affect the person's status as a proper person (as defined in
- 31 IC 35-47-1-7) or otherwise disqualify the person from holding a
- 32 **reciprocity** license;
- 33 the person shall, not later than thirty (30) days after the date of a
- 34 change described under subdivision (3), and not later than sixty (60)
- 35 days after the date of the change described under subdivision (1) or (2),
- 36 notify the superintendent, in writing, of the event described under
- 37 subdivision (3) or, in the case of a change under subdivision (1) or (2),
- 38 the person's new name or new address.
- 39 (k) The state police shall indicate on the form for a **reciprocity**
- 40 license ~~to carry a handgun~~ the notification requirements of subsection
- 41 (j).
- 42 (l) The state police department shall adopt rules under IC 4-22-2 to:



- 1 (1) implement an electronic application system under subsection
 2 (a); and
 3 (2) expedite the processing of an application made by a person
 4 described in section 2.1(b) of this chapter.
- 5 Rules adopted under this section must require the superintendent to
 6 keep on file one (1) set of classifiable and legible fingerprints from
 7 every person who has received a **reciprocity** license ~~to carry a handgun~~
 8 so that a person who applies to renew a **reciprocity** license will not be
 9 required to submit an additional set of fingerprints.
- 10 (m) Except as provided in subsection (n), for purposes of
 11 IC 5-14-3-4(a)(1), the following information is confidential, may not
 12 be published, and is not open to public inspection:
- 13 (1) Information submitted by a person under this section to:
 14 (A) obtain; or
 15 (B) renew;
 16 a **reciprocity** license. ~~to carry a handgun~~;
 17 (2) Information obtained by a federal, state, or local government
 18 entity in the course of an investigation concerning a person who
 19 applies to:
 20 (A) obtain; or
 21 (B) renew;
 22 a **reciprocity** license ~~to carry a handgun~~ issued under this
 23 chapter.
- 24 (3) The name, address, and any other information that may be
 25 used to identify a person who holds a **reciprocity** license ~~to carry~~
 26 ~~a handgun~~ issued under this chapter.
- 27 (n) Notwithstanding subsection (m):
 28 (1) any information concerning an applicant for or a person who
 29 holds a **reciprocity** license ~~to carry a handgun~~ issued under this
 30 chapter may be released to a federal, state, or local government
 31 entity:
 32 (A) for law enforcement purposes; or
 33 (B) to determine the validity of a **reciprocity** license; ~~to carry~~
 34 ~~a handgun~~; and
 35 (2) general information concerning the issuance of **reciprocity**
 36 licenses ~~to carry handguns~~ in Indiana may be released to a person
 37 conducting journalistic or academic research, but only if all
 38 personal information that could disclose the identity of any person
 39 who holds a **reciprocity** license ~~to carry a handgun~~ issued under
 40 this chapter has been removed from the general information.
- 41 (o) A person who knowingly or intentionally violates this section
 42 commits a Class B misdemeanor.



1 SECTION 17. IC 35-47-2-4, AS AMENDED BY P.L.107-2019,
 2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 MARCH 30, 2022]: Sec. 4. (a) **Reciprocity** licenses to carry handguns
 4 shall be either qualified or unlimited, and issued under section 3 of
 5 **this chapter** are valid for:

- 6 (1) five (5) years from the date of issue in the case of a five (5)
 7 year **reciprocity** license; or
 8 (2) the life of the individual receiving the **reciprocity** license in
 9 the case of a lifetime **reciprocity** license.

10 A qualified license shall be issued for hunting and target practice. An
 11 individual may separately apply for and simultaneously hold both a five
 12 (5) year license and a lifetime license. The superintendent may adopt
 13 rules imposing limitations on the use and carrying of handguns under
 14 a license when handguns are carried by a licensee as a condition of
 15 employment. Unlimited licenses shall be issued for the purpose of the
 16 protection of life and property.

17 (b) This subsection applies before July 1, 2020. In addition to the
 18 application fee, the fee for:

- 19 (1) a qualified license shall be:
 20 (A) five dollars (\$5) for a five (5) year qualified license;
 21 (B) twenty-five dollars (\$25) for a lifetime qualified license
 22 from a person who does not currently possess a valid Indiana
 23 handgun license; or
 24 (C) twenty dollars (\$20) for a lifetime qualified license from
 25 a person who currently possesses a valid Indiana handgun
 26 license; and
 27 (2) an unlimited license shall be:
 28 (A) thirty dollars (\$30) for a five (5) year unlimited license;
 29 (B) seventy-five dollars (\$75) for a lifetime unlimited license
 30 from a person who does not currently possess a valid Indiana
 31 handgun license; or
 32 (C) sixty dollars (\$60) for a lifetime unlimited license from a
 33 person who currently possesses a valid Indiana handgun
 34 license.

35 The superintendent shall charge a twenty dollar (\$20) fee for the
 36 issuance of a duplicate license to replace a lost or damaged license.
 37 These fees shall be deposited in accordance with subsection (g):

38 (c) This subsection applies after June 30, 2020. In addition to the
 39 application fee, the fee for:

- 40 (1) a qualified license is:
 41 (A) zero dollars (\$0) for a five (5) year qualified license;
 42 (B) twenty-five dollars (\$25) for a lifetime qualified license



- 1 from a person who does not currently possess a valid Indiana
 2 handgun license; and
 3 (C) twenty dollars (\$20) for a lifetime qualified license from
 4 a person who currently possesses a valid Indiana handgun
 5 license; and
 6 (2) an unlimited license is:
 7 (A) zero dollars (\$0) for a five (5) year unlimited license;
 8 (B) seventy-five dollars (\$75) for a lifetime unlimited license
 9 from a person who does not currently possess a valid Indiana
 10 handgun license; and
 11 (C) sixty dollars (\$60) for a lifetime unlimited license from a
 12 person who currently possesses a valid Indiana handgun
 13 license.
 14 (b) The superintendent shall charge a:
 15 (1) zero dollar (\$0) fee for a five (5) year reciprocity license;
 16 (2) seventy-five dollar (\$75) fee for a lifetime reciprocity
 17 license; and
 18 (3) twenty dollar (\$20) fee for the issuance of a duplicate
 19 reciprocity license to replace a lost or damaged reciprocity
 20 license.
 21 These fees shall be deposited in accordance with subsection (g): (d).
 22 (d) Licensed dealers are exempt from the payment of fees specified
 23 in subsections (b) and (c) for a qualified license or an unlimited
 24 license.
 25 (e) (c) The following officers of this state or the United States who
 26 have been honorably retired by a lawfully created pension board or its
 27 equivalent after at least twenty (20) years of service or because of a
 28 disability are exempt from the payment of fees the fee specified in
 29 subsections subsection (b): and (c)
 30 (1) Police officers.
 31 (2) Sheriffs or their deputies.
 32 (3) Law enforcement officers.
 33 (4) Correctional officers.
 34 (f) The following officers described in section 3(f) of this chapter
 35 who have at least twenty (20) years of service are exempt from the
 36 payment of fees for a lifetime qualified license or a lifetime unlimited
 37 license specified in subsections (b) and (c):
 38 (1) Police officers:
 39 (2) Sheriffs or their deputies:
 40 (3) Law enforcement officers of the United States government.
 41 (g) (d) Fees collected under this section shall be deposited in the
 42 state general fund.



1 ~~(h)~~ (e) The superintendent may not issue a lifetime ~~qualified license~~
 2 ~~or a lifetime unlimited reciprocity~~ license to a person who is a resident
 3 of another state. The superintendent may issue a five (5) year ~~qualified~~
 4 **reciprocity** license ~~or a five (5) year unlimited license~~ to a person who
 5 is a resident of another state and who has a regular place of business or
 6 employment in Indiana as described in section 3(a)(3) of this chapter.

7 ~~(i)~~ (f) A person who knowingly or intentionally violates this section
 8 commits a Class B misdemeanor.

9 SECTION 18. IC 35-47-2-5, AS AMENDED BY P.L.107-2019,
 10 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 MARCH 30, 2022]: Sec. 5. (a) The superintendent may suspend or
 12 revoke any **reciprocity** license issued under this chapter if the
 13 superintendent has reasonable grounds to believe that the person's
 14 **reciprocity** license should be suspended or revoked.

15 (b) Documented evidence that a person is not a "proper person" to
 16 be licensed as defined by IC 35-47-1-7, or is prohibited under section
 17 3(h)(5) of this chapter from being issued a **reciprocity** license, shall be
 18 grounds for immediate suspension or revocation of a **reciprocity**
 19 license previously issued under this chapter. However, if a **reciprocity**
 20 license is suspended or revoked based solely on an arrest under section
 21 3(h)(5) of this chapter, the **reciprocity** license shall be reinstated upon
 22 the acquittal of the defendant in that case or upon the dismissal of the
 23 charges for the specific offense.

24 (c) A person who knowingly or intentionally fails to promptly return
 25 the person's **reciprocity** license after written notice of suspension or
 26 revocation commits a Class A misdemeanor. The observation of a
 27 ~~handgun~~ **reciprocity** license in the possession of a person whose
 28 **reciprocity** license has been suspended or revoked constitutes a
 29 sufficient basis for the arrest of that person for violation of this
 30 subsection.

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

34 SECTION 19. IC 35-47-2-17, AS AMENDED BY P.L.158-2013,
 35 SECTION 581, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE MARCH 30, 2022]: Sec. 17. (a) No person, in
 37 purchasing or otherwise securing delivery of a firearm or in applying
 38 for a **reciprocity** license, ~~to carry a handgun~~, shall knowingly or
 39 intentionally:

- 40 (1) give false information on a form required to:
 41 (A) purchase or secure delivery of a firearm; or
 42 (B) apply for a **reciprocity** license; ~~to carry a handgun~~; or



1 (2) offer false evidence of identity.

2 In addition to any penalty provided by this chapter, any firearm
3 obtained through false information shall be subject to confiscation and
4 disposition as provided in this chapter. Upon notice of a violation of
5 this section by the superintendent, it shall be the duty of the sheriff or
6 chief of police or corresponding officer of the jurisdiction in which the
7 purchaser resides to confiscate the firearm and retain it as evidence
8 pending trial for the offense.

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

11 SECTION 20. IC 35-47-2-20 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE MARCH 30, 2022]: Sec. 20. (a) A full
13 pardon from the governor of Indiana for:

14 (1) a felony other than a felony that is included in IC 35-42; or

15 (2) a violation of this chapter;

16 removes any disability under this chapter imposed because of that
17 offense, if fifteen (15) years have elapsed between the time of the
18 offense and the application for a **reciprocity** license under this chapter.

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

20 (1) a felony; or

21 (2) a violation of this chapter;

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

26 SECTION 21. IC 35-47-2-24 IS REPEALED [EFFECTIVE
27 MARCH 30, 2022]. ~~Sec. 24: (a) In an information or indictment
28 brought for the enforcement of any provision of this chapter, it is not
29 necessary to negate any exemption specified under this chapter, or to
30 allege the absence of a license required under this chapter. The burden
31 of proof is on the defendant to prove that he is exempt under section 2
32 of this chapter, or that he has a license as required under this chapter.~~

33 ~~(b) Whenever a person who has been arrested or charged with a
34 violation of section 1 of this chapter presents a valid license to the
35 prosecuting attorney or establishes that he is exempt under section 2 of
36 this chapter, any prosecution for a violation of section 1 of this chapter
37 shall be dismissed immediately, and all records of an arrest or
38 proceedings following arrest shall be destroyed immediately.~~

39 SECTION 22. IC 35-47-2-25 IS ADDED TO THE INDIANA
40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2021]: (a) **As used in this section, "state
42 entity" means the following:**

HB 1369—LS 7277/DI 123



1 (1) A state agency.

2 (2) Any other authority, board, branch, commission,
3 committee, department, division, or other instrumentality of
4 the executive (including the administrative), legislative, or
5 judicial department of state government.

6 (b) The following must develop a process that allows law
7 enforcement officers the ability to quickly access information about
8 whether a person is a prohibited person who may not knowingly or
9 intentionally carry a handgun under IC 35-47-2-1.8(b):

10 (1) The state police department.

11 (2) The bureau of motor vehicles.

12 (3) Local law enforcement agencies.

13 (4) Any other state entity with access to information related
14 to persons who may not knowingly or intentionally carry a
15 handgun under IC 35-47-2-1.8(b).

16 (c) The information made available to law enforcement officers
17 under subsection (b) must meet all state and federal statutory,
18 constitutional, and regulatory requirements.

19 (d) State entities may enter into a memorandum of
20 understanding to ensure that all legal requirements necessitated
21 under this section are met.

22 SECTION 23. IC 35-47-2.5-1, AS AMENDED BY P.L.152-2014,
23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 MARCH 30, 2022]: Sec. 1. (a) Sections 2 through 5 of this chapter do
25 not apply to the following:

26 (1) Transactions between persons who are licensed as firearms
27 importers or collectors or firearms manufacturers or dealers under
28 18 U.S.C. 923.

29 (2) Purchases by or sales to a law enforcement officer or agent of
30 the United States, the state, or a county or local government.

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

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

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

38 (2) there is a conflict between:

39 (A) a provision of this chapter; and

40 (B) a procedure required under the NICS;

41 the procedure required under the NICS prevails over the conflicting
42 provision of this chapter.



1 SECTION 24. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 MARCH 30, 2022]: Sec. 4. This chapter may not be construed to
4 prevent any of the following:

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

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

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

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

26 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a
27 provision prohibiting or restricting the possession of a firearm in
28 any building that contains the courtroom of a circuit, superior,
29 city, town, or small claims court. However, if a portion of the
30 building is occupied by a residential tenant or private business,
31 any provision restricting or prohibiting the possession of a firearm
32 does not apply to the portion of the building that is occupied by
33 the residential tenant or private business, or to common areas of
34 the building used by a residential tenant or private business.

35 (6) The enactment or enforcement of a provision prohibiting or
36 restricting the intentional display of a firearm at a public meeting.

37 (7) The enactment or enforcement of a provision prohibiting or
38 restricting the possession of a firearm in a public hospital
39 corporation that contains a secure correctional health unit that is
40 staffed by a law enforcement officer twenty-four (24) hours a day.

41 (8) The imposition of any restriction or condition placed on a
42 person participating in:



- 1 (A) a community corrections program (IC 11-12-1);
 2 (B) a forensic diversion program (IC 11-12-3.7); or
 3 (C) a pretrial diversion program (IC 33-39-1).
 4 (9) The enforcement or prosecution of the offense of criminal
 5 recklessness (IC 35-42-2-2) involving the use of a firearm.
 6 (10) For an event occurring on property leased from a political
 7 subdivision or municipal corporation by the promoter or organizer
 8 of the event:
 9 (A) the establishment, by the promoter or organizer, at the
 10 promoter's or organizer's own discretion, of rules of conduct or
 11 admission upon which attendance at or participation in the
 12 event is conditioned; or
 13 (B) the implementation or enforcement of the rules of conduct
 14 or admission described in clause (A) by a political subdivision
 15 or municipal corporation in connection with the event.
 16 (11) The enactment or enforcement of a provision prohibiting or
 17 restricting the possession of a firearm in a hospital established
 18 and operated under IC 16-22-2 or IC 16-23.
 19 (12) A unit from using the unit's planning and zoning powers
 20 under IC 36-7-4 to prohibit the sale of firearms within two
 21 hundred (200) feet of a school by a person having a business that
 22 did not sell firearms within two hundred (200) feet of a school
 23 before April 1, 1994.
 24 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)
 25 from enacting or enforcing a provision prohibiting or restricting
 26 the possession of a firearm in a building owned or administered
 27 by the unit if:
 28 (A) metal detection devices are located at each public entrance
 29 to the building;
 30 (B) each public entrance to the building is staffed by at least
 31 one (1) law enforcement officer:
 32 (i) who has been adequately trained to conduct inspections
 33 of persons entering the building by use of metal detection
 34 devices and proper physical pat down searches; and
 35 (ii) when the building is open to the public; and
 36 (C) each:
 37 (i) individual who enters the building through the public
 38 entrance when the building is open to the public; and
 39 (ii) bag, package, and other container carried by the
 40 individual;
 41 is inspected by a law enforcement officer described in clause
 42 (B).



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

8 SECTION 25. IC 35-47-14-6, AS AMENDED BY P.L.142-2020,
 9 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 MARCH 30, 2022]: Sec. 6. (a) The court shall conduct a hearing as
 11 required under this chapter.

12 (b) The state has the burden of proving all material facts by clear
 13 and convincing evidence.

14 (c) If the court determines that the state has proved by clear and
 15 convincing evidence that the individual is dangerous, the court shall
 16 issue a written order:

- 17 (1) finding the individual is dangerous (as defined in section 1 of
 18 this chapter);
 19 (2) ordering the law enforcement agency having custody of the
 20 seized firearm to retain the firearm;
 21 (3) ordering the individual's **reciprocity** license, ~~to carry a~~
 22 ~~handgun~~, if applicable, suspended; and
 23 (4) enjoining the individual from:
 24 (A) renting;
 25 (B) receiving transfer of;
 26 (C) owning; or
 27 (D) possessing;
 28 a firearm; and

29 determine whether the individual should be referred to further
 30 proceedings to consider whether the individual should be involuntarily
 31 detained or committed under IC 12-26-6-2(a)(2)(B).

32 (d) If the court finds that the individual is dangerous under
 33 subsection (c), the clerk shall transmit the order of the court to the
 34 office of judicial administration:

- 35 (1) for transmission to NICS (as defined in IC 35-47-2.5-2.5); and
 36 (2) beginning July 1, 2021, for the collection of certain data
 37 related to the confiscation and retention of firearms taken from
 38 dangerous individuals;

39 in accordance with IC 33-24-6-3.

40 (e) If the court orders a law enforcement agency to retain a firearm,
 41 the law enforcement agency shall retain the firearm until the court
 42 orders the firearm returned or otherwise disposed of.



1 (f) If the court determines that the state has failed to prove by clear
2 and convincing evidence that the individual is dangerous, the court
3 shall issue a written order that:

- 4 (1) the individual is not dangerous (as defined in section 1 of this
5 chapter); and
6 (2) the law enforcement agency having custody of the firearm
7 shall return the firearm as quickly as practicable, but not later
8 than five (5) days after the date of the order, to the individual
9 from whom it was seized.

10 SECTION 26. IC 35-50-2-11, AS AMENDED BY P.L.157-2016,
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 MARCH 30, 2022]: Sec. 11. (a) As used in this section, "firearm" has
13 the meaning set forth in IC 35-47-1-5.

14 **(b) As used in this section, "first responder" means an**
15 **individual:**

- 16 **(1) who is employed by, or volunteers for, a public safety**
17 **agency; and**
18 **(2) whose duties include responding rapidly to an emergency.**

19 ~~(b)~~ (c) As used in this section, "offense" means:

- 20 (1) a felony under IC 35-42 that resulted in death or serious bodily
21 injury;
22 (2) kidnapping; or
23 (3) criminal confinement as a Level 2 or Level 3 felony.

24 ~~(c)~~ (d) As used in this section, "police officer" means any of the
25 following:

- 26 (1) A state police officer.
27 (2) A county sheriff.
28 (3) A county police officer.
29 (4) A city police officer.
30 (5) A state educational institution police officer appointed under
31 IC 21-39-4.
32 (6) A school corporation police officer appointed under
33 IC 20-26-16.
34 (7) A police officer of a public or private postsecondary
35 educational institution whose board of trustees has established a
36 police department under IC 21-17-5-2 or IC 21-39-4-2.
37 (8) An enforcement officer of the alcohol and tobacco
38 commission.
39 (9) A conservation officer.
40 (10) A gaming agent employed under IC 4-33-4.5 or a gaming
41 control officer employed by the gaming control division under
42 IC 4-33-20.



1 ~~(d)~~ **(e)** The state may seek, on a page separate from the rest of a
 2 charging instrument, to have a person who allegedly committed an
 3 offense sentenced to an additional fixed term of imprisonment if the
 4 state can show beyond a reasonable doubt that the person knowingly or
 5 intentionally used a firearm in the commission of the offense.

6 ~~(e)~~ **(f)** The state may seek, on a page separate from the rest of a
 7 charging instrument, to have a person who allegedly committed a
 8 felony or misdemeanor other than an offense (as defined under
 9 subsection ~~(b)~~) **(c)** sentenced to an additional fixed term of
 10 imprisonment if the state can show beyond a reasonable doubt that the
 11 person, while committing the felony or misdemeanor, knowingly or
 12 intentionally

13 ~~(1)~~ pointed a firearm or

14 ~~(2)~~ discharged a firearm

15 at an individual whom the person knew, or reasonably should have
 16 known, was a:

17 **(1) police officer; or**

18 **(2) first responder acting within the scope of the first**
 19 **responder's duties while:**

20 **(A) attending to an emergency; or**

21 **(B) responding to an emergency.**

22 ~~(f)~~ **(g)** If the person was convicted of:

23 (1) the offense under subsection ~~(d)~~; **(e)**; or

24 (2) the felony or misdemeanor under subsection ~~(e)~~; **(f)**;

25 in a jury trial, the jury shall reconvene to hear evidence in the
 26 enhancement hearing. If the trial was to the court, or the judgment was
 27 entered on a guilty plea, the court alone shall hear evidence in the
 28 enhancement hearing.

29 ~~(g)~~ **(h)** If the jury (if the hearing is by jury) or the court (if the
 30 hearing is to the court alone) finds that the state has proved beyond a
 31 reasonable doubt that the person knowingly or intentionally used a
 32 firearm in the commission of the offense under subsection ~~(d)~~; **(e)**, the
 33 court may sentence the person to an additional fixed term of
 34 imprisonment of between five (5) years and twenty (20) years.

35 ~~(h)~~ **(i)** If the jury (if the hearing is by jury) or the court (if the
 36 hearing is to the court alone) finds that the state has proved beyond a
 37 reasonable doubt that the person, while committing a felony or
 38 misdemeanor under subsection ~~(e)~~; **(f)**, knowingly or intentionally

39 ~~(1)~~ pointed a firearm or

40 ~~(2)~~ discharged a firearm

41 at an individual whom the person knew, or reasonably should have
 42 known, was:



1 (1) a police officer; or
 2 (2) a first responder acting within the scope of the first
 3 responder's duties while:

4 (A) attending to an emergency; or

5 (B) responding to an emergency;

6 the court may sentence the person to an additional fixed term of
 7 imprisonment of between five (5) and twenty (20) years.

8 (j) A person may not be sentenced under subsections (g) (h) and
 9 (h) (i) for offenses, felonies, and misdemeanors comprising a single
 10 episode of criminal conduct.

11 SECTION 27. IC 35-50-2-13, AS AMENDED BY P.L.84-2015,
 12 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 MARCH 30, 2022]: Sec. 13. (a) The state may seek, on a page separate
 14 from the rest of a charging instrument, to have a person who allegedly
 15 committed an offense of dealing in a controlled substance under
 16 IC 35-48-4-1 through IC 35-48-4-4 sentenced to an additional fixed
 17 term of imprisonment if the state can show beyond a reasonable doubt
 18 that the person knowingly or intentionally:

19 (1) used a firearm; or

20 (2) possessed a:

21 (A) handgun in violation of ~~IC 35-47-2-1~~; **IC 35-47-2-1.8**;

22 (B) sawed-off shotgun in violation of federal law; or

23 (C) machine gun in violation of IC 35-47-5-8;

24 while committing the offense.

25 (b) If the person was convicted of the offense in a jury trial, the jury
 26 shall reconvene to hear evidence in the enhancement hearing. If the
 27 trial was to the court, or the judgment was entered on a guilty plea, the
 28 court alone shall hear evidence in the enhancement hearing.

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

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

38 (2) If the firearm is a machine gun or is equipped with a firearm
 39 silencer or firearm muffler, the court may sentence the person to
 40 an additional fixed term of imprisonment of not more than twenty
 41 (20) years. The additional sentence under this subdivision is in
 42 addition to any additional sentence imposed under section 11 of



1 this chapter for use of a firearm in the commission of an offense.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1369, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 20 with "[EFFECTIVE MARCH 30, 2022]".

Replace the effective dates in SECTIONS 22 through 27 with "[EFFECTIVE MARCH 30, 2022]".

Page 28, line 11, after "a" insert ":

- (1) zero dollar (\$0) fee for a five (5) year reciprocity license;**
- (2) seventy-five dollar (\$75) fee for a lifetime reciprocity license; and**
- (3)".**

Page 28, line 13, beginning with "These" begin a new line blocked left.

Page 30, delete lines 19 through 24.

Page 30, between lines 37 and 38, begin a new paragraph and insert:
 "SECTION 22. IC 35-47-2-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: (a) **As used in this section, "state entity" means the following:**

- (1) A state agency.**
- (2) Any other authority, board, branch, commission, committee, department, division, or other instrumentality of the executive (including the administrative), legislative, or judicial department of state government.**

(b) The following must develop a process that allows law enforcement officers the ability to quickly access information about whether a person is a prohibited person who may not knowingly or intentionally carry a handgun under IC 35-47-2-1.8(b):

- (1) The state police department.**
- (2) The bureau of motor vehicles.**
- (3) Local law enforcement agencies.**
- (4) Any other state entity with access to information related to persons who may not knowingly or intentionally carry a handgun under IC 35-47-2-1.8(b).**

(c) The information made available to law enforcement officers under subsection (b) must meet all state and federal statutory, constitutional, and regulatory requirements.

(d) State entities may enter into a memorandum of understanding to ensure that all legal requirements necessitated



under this section are met."

Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1369 as introduced.)

SMALTZ

Committee Vote: yeas 9, nays 3.

