
SENATE BILL No. 429

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 11-13-1-3.5; IC 14-16-1-23; IC 31-30-1-4; IC 34-6-2; IC 34-12-3; IC 34-24-6; IC 34-30-2.1-566.5; IC 35-31.5-2; IC 35-33-1-1; IC 35-47; IC 35-50-2-13.

Synopsis: Various firearms matters. Provides that a member of the firearm industry shall comply with certain firearm industry standards of conduct. Makes an act or omission by a member of the firearm industry in violation of these standards of conduct actionable by: (1) a person who has suffered harm in Indiana because of the member's conduct; (2) the attorney general; (3) a city attorney; and (4) a county attorney. Prohibits a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from selling or delivering a: (1) firearm that is not a handgun to a person who is less than 21 years of age; or (2) semiautomatic assault weapon. Repeals the offense of unlawful carrying of a handgun. Makes it a Class A misdemeanor to carry a handgun without being licensed to carry a handgun. Specifies exceptions. Enhances the offense to a Level 5 felony in particular instances. Provides that a person who has been convicted of domestic battery may not possess or carry a handgun unless the right has been restored. Allows a person who is protected by a protection order and meets other requirements to carry a handgun without a license for 60 days after the protection order is issued. Provides that licenses to carry handguns are either qualified or unlimited and describes the distinction between the two. Specifies the burden of proof and grounds for dismissal for certain firearms offenses. Prohibits a person from keeping or storing an unsecured firearm on any premises controlled by the person under certain circumstances. Makes the failure to secure a firearm a Level 6 felony if the offense results in injury or death, enhances the offense to a Level 5 felony in particular instances, and provides a defense. Requires a person wishing to transfer a firearm to
(Continued next page)

Effective: July 1, 2023.

Melton

January 19, 2023, read first time and referred to Committee on Corrections and Criminal Law.



Digest Continued

another person to transact the transfer through a firearms dealer (dealer), subject to certain exceptions, and specifies the procedure to be used by the dealer to effect the transfer. Grants a dealer civil immunity in certain circumstances. Provides that a person who makes a false statement to a dealer for the purpose of completing a transfer commits firearm transfer fraud, a Level 6 felony, and enhances the penalty in particular instances. Specifies that a dealer or other person who transfers a firearm in violation of certain requirements commits unlawful transfer of a firearm, a Level 6 felony, and enhances the offense to a Level 5 felony in particular instances. Defines terms. Makes conforming amendments and technical corrections.



Introduced

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

SENATE BILL No. 429

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 THE TECHNICAL
2 CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS
3 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:
4 Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all
5 necessary rules to carry out the provisions of this chapter. The rules,
6 which shall be adopted only after necessary and proper investigation
7 and inquiry by the board, shall include the establishment of the
8 following:
9 (1) A consistent and uniform statewide deadly force policy and
10 training program, that is consistent with state and federal law.
11 Upon adoption by the law enforcement training board, the policy
12 and training program must be implemented, without modification,
13 by all Indiana law enforcement agencies, offices, or departments.
14 (2) A consistent and uniform statewide defensive tactics policy
15 and training program, that is consistent with state and federal law.



- 1 Upon adoption by the law enforcement training board, the policy
2 and training program must be implemented, without modification,
3 by all Indiana law enforcement agencies, offices, or departments.
4 (3) A uniform statewide minimum standard for vehicle pursuits
5 consistent with state and federal law.
6 (4) Minimum standards of physical, educational, mental, and
7 moral fitness which shall govern the acceptance of any person for
8 training by any law enforcement training school or academy
9 meeting or exceeding the minimum standards established
10 pursuant to this chapter.
11 (5) Minimum standards for law enforcement training schools
12 administered by towns, cities, counties, law enforcement training
13 centers, agencies, or departments of the state.
14 (6) Minimum standards for courses of study, attendance
15 requirements, equipment, and facilities for approved town, city,
16 county, and state law enforcement officer, police reserve officer,
17 and conservation reserve officer training schools.
18 (7) Minimum standards for a course of study on cultural diversity
19 awareness, including training on the U nonimmigrant visa created
20 through the federal Victims of Trafficking and Violence
21 Protection Act of 2000 (P.L. 106-386) that must be required for
22 each person accepted for training at a law enforcement training
23 school or academy. Cultural diversity awareness study must
24 include an understanding of cultural issues related to race,
25 religion, gender, age, domestic violence, national origin, and
26 physical and mental disabilities.
27 (8) Minimum qualifications for instructors at approved law
28 enforcement training schools.
29 (9) Minimum basic training requirements which law enforcement
30 officers appointed to probationary terms shall complete before
31 being eligible for continued or permanent employment.
32 (10) Minimum basic training requirements which law
33 enforcement officers appointed on other than a permanent basis
34 shall complete in order to be eligible for continued employment
35 or permanent appointment.
36 (11) Minimum basic training requirements which law
37 enforcement officers appointed on a permanent basis shall
38 complete in order to be eligible for continued employment.
39 (12) Minimum basic training requirements for each person
40 accepted for training at a law enforcement training school or
41 academy that include six (6) hours of training in interacting with:
42 (A) persons with autism, mental illness, addictive disorders,



- 1 intellectual disabilities, and developmental disabilities;
 2 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
 3 and
 4 (C) persons with Alzheimer's disease or related senile
 5 dementia;
 6 to be provided by persons approved by the secretary of family and
 7 social services and the board. The training must include an
 8 overview of the crisis intervention teams.
- 9 (13) Minimum standards for a course of study on human and
 10 sexual trafficking that must be required for each person accepted
 11 for training at a law enforcement training school or academy and
 12 for inservice training programs for law enforcement officers. The
 13 course must cover the following topics:
- 14 (A) Examination of the human and sexual trafficking laws (IC
 - 15 35-42-3.5).
 - 16 (B) Identification of human and sexual trafficking.
 - 17 (C) Communicating with traumatized persons.
 - 18 (D) Therapeutically appropriate investigative techniques.
 - 19 (E) Collaboration with federal law enforcement officials.
 - 20 (F) Rights of and protections afforded to victims.
 - 21 (G) Providing documentation that satisfies the Declaration of
 - 22 Law Enforcement Officer for Victim of Trafficking in Persons
 - 23 (Form I-914, Supplement B) requirements established under
 - 24 federal law.
 - 25 (H) The availability of community resources to assist human
 - 26 and sexual trafficking victims.
- 27 (14) Minimum standards for ongoing specialized, intensive, and
 28 integrative training for persons responsible for investigating
 29 sexual assault cases involving adult victims. This training must
 30 include instruction on:
- 31 (A) the neurobiology of trauma;
 - 32 (B) trauma informed interviewing; and
 - 33 (C) investigative techniques.
- 34 (15) Minimum standards for de-escalation training. De-escalation
 35 training shall be taught as a part of existing use-of-force training
 36 and not as a separate topic.
- 37 (16) Minimum standards regarding best practices for crowd
 38 control, protests, and First Amendment activities.
- 39 All statewide policies and minimum standards shall be documented in
 40 writing and published on the **Indiana law enforcement academy**
 41 (ILEA) website. Any policy, standard, or training program
 42 implemented, adopted, or promulgated by a vote of the board may only



1 subsequently be modified or rescinded by a two-thirds (2/3) majority
2 vote of the board.

3 (b) A law enforcement officer appointed after July 5, 1972, and
4 before July 1, 1993, may not enforce the laws or ordinances of the state
5 or any political subdivision unless the officer has, within one (1) year
6 from the date of appointment, successfully completed the minimum
7 basic training requirements established under this chapter by the board.
8 If a person fails to successfully complete the basic training
9 requirements within one (1) year from the date of employment, the
10 officer may not perform any of the duties of a law enforcement officer
11 involving control or direction of members of the public or exercising
12 the power of arrest until the officer has successfully completed the
13 training requirements. This subsection does not apply to any law
14 enforcement officer appointed before July 6, 1972, or after June 30,
15 1993.

16 (c) Military leave or other authorized leave of absence from law
17 enforcement duty during the first year of employment after July 6,
18 1972, shall toll the running of the first year, which shall be calculated
19 by the aggregate of the time before and after the leave, for the purposes
20 of this chapter.

21 (d) Except as provided in subsections (e), (m), (t), and (u), a law
22 enforcement officer appointed to a law enforcement department or
23 agency after June 30, 1993, may not:

- 24 (1) make an arrest;
- 25 (2) conduct a search or a seizure of a person or property; or
- 26 (3) carry a firearm;

27 unless the law enforcement officer successfully completes, at a board
28 certified law enforcement academy or at a law enforcement training
29 center under section 10.5 or 15.2 of this chapter, the basic training
30 requirements established by the board under this chapter.

31 (e) This subsection does not apply to:

- 32 (1) a gaming agent employed as a law enforcement officer by the
33 Indiana gaming commission; or
 - 34 (2) an:
 - 35 (A) attorney; or
 - 36 (B) investigator;
- 37 designated by the securities commissioner as a police officer of
38 the state under IC 23-19-6-1(k).

39 Before a law enforcement officer appointed after June 30, 1993,
40 completes the basic training requirements, the law enforcement officer
41 may exercise the police powers described in subsection (d) if the
42 officer successfully completes the pre-basic course established in



1 subsection (f). Successful completion of the pre-basic course authorizes
2 a law enforcement officer to exercise the police powers described in
3 subsection (d) for one (1) year after the date the law enforcement
4 officer is appointed.

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

7 (1) law enforcement officers;

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

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

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

22 (g) Subject to subsection (h), the board shall adopt rules under
23 IC 4-22-2 to establish a mandatory inservice training program for
24 police officers and police reserve officers (as described in
25 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
26 satisfactorily completed basic training and has been appointed to a law
27 enforcement department or agency on either a full-time or part-time
28 basis is not eligible for continued employment unless the officer
29 satisfactorily completes the mandatory inservice training requirements
30 established by rules adopted by the board. Inservice training must
31 include de-escalation training. Inservice training must also include
32 training in interacting with persons with mental illness, addictive
33 disorders, intellectual disabilities, autism, developmental disabilities,
34 and Alzheimer's disease or related senile dementia, to be provided by
35 persons approved by the secretary of family and social services and the
36 board, and training concerning human and sexual trafficking and high
37 risk missing persons (as defined in IC 5-2-17-1). The board may
38 approve courses offered by other public or private training entities,
39 including postsecondary educational institutions, as necessary in order
40 to ensure the availability of an adequate number of inservice training
41 programs. The board may waive an officer's inservice training
42 requirements if the board determines that the officer's reason for



1 lacking the required amount of inservice training hours is due to either
2 an emergency situation or the unavailability of courses.

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

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

11 (2) After approving the modification or addition at a public
12 meeting, the board must post notice of the modification or
13 addition on the Indiana law enforcement academy's ~~Internet web~~
14 **site website** at least thirty (30) days before the modification or
15 addition takes effect.

16 If the board does not satisfy the requirements of this subsection, the
17 modification or addition is void. This subsection does not authorize the
18 board to eliminate any inservice training subject matter required under
19 subsection (g).

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

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

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

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

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

35 (5) The time limitations imposed by subsections (b) and (c) for
36 completing the training are also applicable to the town marshal
37 basic training program.

38 (6) The program must require training in interacting with
39 individuals with autism.

40 (j) The board shall adopt rules under IC 4-22-2 to establish an
41 executive training program. The executive training program must
42 include training in the following areas:



- 1 (1) Liability.
 2 (2) Media relations.
 3 (3) Accounting and administration.
 4 (4) Discipline.
 5 (5) Department policy making.
 6 (6) Lawful use of force and de-escalation training.
 7 (7) Department programs.
 8 (8) Emergency vehicle operation.
 9 (9) Cultural diversity.
- 10 (k) A police chief shall apply for admission to the executive training
 11 program within two (2) months of the date the police chief initially
 12 takes office. A police chief must successfully complete the executive
 13 training program within six (6) months of the date the police chief
 14 initially takes office. However, if space in the executive training
 15 program is not available at a time that will allow completion of the
 16 executive training program within six (6) months of the date the police
 17 chief initially takes office, the police chief must successfully complete
 18 the next available executive training program that is offered after the
 19 police chief initially takes office.
- 20 (l) A police chief who fails to comply with subsection (k) may not
 21 continue to serve as the police chief until completion of the executive
 22 training program. For the purposes of this subsection and subsection
 23 (k), "police chief" refers to:
 24 (1) the police chief of any city;
 25 (2) the police chief of any town having a metropolitan police
 26 department; and
 27 (3) the chief of a consolidated law enforcement department
 28 established under IC 36-3-1-5.1.
- 29 A town marshal is not considered to be a police chief for these
 30 purposes, but a town marshal may enroll in the executive training
 31 program.
- 32 (m) A fire investigator in the department of homeland security
 33 appointed after December 31, 1993, is required to comply with the
 34 basic training standards established under this chapter.
- 35 (n) The board shall adopt rules under IC 4-22-2 to establish a
 36 program to certify handgun safety courses, including courses offered
 37 in the private sector, that meet standards approved by the board for
 38 training probation officers in handgun safety as required by
 39 ~~IC 11-13-1-3.5(2)~~ **IC 11-13-1-3.5(3)**.
- 40 (o) The board shall adopt rules under IC 4-22-2 to establish a
 41 refresher course for an officer who:
 42 (1) is hired by an Indiana law enforcement department or agency



- 1 as a law enforcement officer;
 2 (2) has not been employed as a law enforcement officer for:
 3 (A) at least two (2) years; and
 4 (B) less than six (6) years before the officer is hired under
 5 subdivision (1); and
 6 (3) completed at any time a basic training course certified or
 7 recognized by the board before the officer is hired under
 8 subdivision (1).
- 9 (p) An officer to whom subsection (o) applies must successfully
 10 complete the refresher course described in subsection (o) not later than
 11 six (6) months after the officer's date of hire, or the officer loses the
 12 officer's powers of:
 13 (1) arrest;
 14 (2) search; and
 15 (3) seizure.
- 16 (q) The board shall adopt rules under IC 4-22-2 to establish a
 17 refresher course for an officer who:
 18 (1) is appointed by an Indiana law enforcement department or
 19 agency as a reserve police officer; and
 20 (2) has not worked as a reserve police officer for at least two (2)
 21 years after:
 22 (A) completing the pre-basic course; or
 23 (B) leaving the individual's last appointment as a reserve
 24 police officer.
- 25 An officer to whom this subsection applies must successfully complete
 26 the refresher course established by the board in order to work as a
 27 reserve police officer.
- 28 (r) This subsection applies to an individual who, at the time the
 29 individual completes a board certified or recognized basic training
 30 course, has not been appointed as a law enforcement officer by an
 31 Indiana law enforcement department or agency. If the individual is not
 32 employed as a law enforcement officer for at least two (2) years after
 33 completing the basic training course, the individual must successfully
 34 retake and complete the basic training course as set forth in subsection
 35 (d).
- 36 (s) The board shall adopt rules under IC 4-22-2 to establish a
 37 refresher course for an individual who:
 38 (1) is appointed as a board certified instructor of law enforcement
 39 training; and
 40 (2) has not provided law enforcement training instruction for
 41 more than one (1) year after the date the individual's instructor
 42 certification expired.



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

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

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

10 (2) the agent successfully completes any other training courses
 11 established by the Indiana gaming commission in conjunction
 12 with the board.

13 (u) This subsection applies only to a securities enforcement officer
 14 designated as a law enforcement officer by the securities
 15 commissioner. A securities enforcement officer may exercise the police
 16 powers described in subsection (d) if:

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

19 (2) the securities enforcement officer successfully completes any
 20 other training courses established by the securities commissioner
 21 in conjunction with the board.

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

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

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

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

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

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

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

37 (B) each position held by the members of the police
 38 department or town marshal system in the next two (2) ranks
 39 and pay grades immediately below the police chief or town
 40 marshal.

41 (w) (v) This subsection applies only to a correctional police officer
 42 employed by the department of correction. A correctional police officer



- 1 may exercise the police powers described in subsection (d) if:
- 2 (1) the officer successfully completes the pre-basic course
- 3 described in subsection (f); and
- 4 (2) the officer successfully completes any other training courses
- 5 established by the department of correction in conjunction with
- 6 the board.
- 7 ~~(x)~~ **(w)** This subsection applies only to the sexual assault training
- 8 described in subsection (a)(14). The board shall:
- 9 (1) consult with experts on the neurobiology of trauma, trauma
- 10 informed interviewing, and investigative techniques in developing
- 11 the sexual assault training; and
- 12 (2) develop the sexual assault training and begin offering the
- 13 training not later than July 1, 2022.
- 14 ~~(y)~~ **(x)** After July 1, 2023, a law enforcement officer who regularly
- 15 investigates sexual assaults involving adult victims must complete the
- 16 training requirements described in subsection (a)(14) within one (1)
- 17 year of being assigned to regularly investigate sexual assaults involving
- 18 adult victims.
- 19 ~~(z)~~ **(y)** A law enforcement officer who regularly investigates sexual
- 20 assaults involving adult victims may complete the training
- 21 requirements described in subsection (a)(14) by attending a:
- 22 (1) statewide or national training; or
- 23 (2) department hosted local training.
- 24 ~~(aa)~~ **(z)** Notwithstanding any other provisions of this section, the
- 25 board is authorized to establish certain required standards of training
- 26 and procedure.
- 27 SECTION 2. IC 11-13-1-3.5, AS AMENDED BY P.L.175-2022,
- 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2023]: Sec. 3.5. A probation officer may not carry a handgun
- 30 **in any vehicle or on or about the probation officer's body as described**
- 31 **in IC 35-47-2-1** while acting in the scope of employment as a
- 32 probation officer unless all of the following conditions are met:
- 33 (1) The appointing court enters an order authorizing the probation
- 34 officer to carry the handgun while on duty.
- 35 **(2) The probation officer is issued a license to carry the**
- 36 **handgun under IC 35-47-2.**
- 37 ~~(2)~~ **(3)** The probation officer successfully completes a handgun
- 38 safety course certified by the law enforcement training board
- 39 under IC 5-2-1-9(n).
- 40 SECTION 3. IC 14-16-1-23, AS AMENDED BY P.L.175-2022,
- 41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2023]: Sec. 23. (a) An individual shall not operate a vehicle



- 1 under any of the following conditions:
- 2 (1) At a rate of speed greater than is reasonable and proper having
- 3 due regard for existing conditions or in a manner that
- 4 unnecessarily endangers the person or property of another.
- 5 (2) While:
- 6 (A) under the influence of an alcoholic beverage; or
- 7 (B) unlawfully under the influence of a narcotic or other habit
- 8 forming or dangerous depressant or stimulant drug.
- 9 (3) During the hours from thirty (30) minutes after sunset to thirty
- 10 (30) minutes before sunrise without displaying a lighted headlight
- 11 and a lighted taillight.
- 12 (4) In a forest nursery, a planting area, or public land posted or
- 13 reasonably identified as an area of forest or plant reproduction
- 14 and when growing stock may be damaged.
- 15 (5) On the frozen surface of public waters within:
- 16 (A) one hundred (100) feet of an individual not in or upon a
- 17 vehicle; or
- 18 (B) one hundred (100) feet of a fishing shanty or shelter;
- 19 except at a speed of not more than five (5) miles per hour.
- 20 (6) Unless the vehicle is equipped with a muffler in good working
- 21 order and in constant operation to prevent excessive or unusual
- 22 noise and annoying smoke.
- 23 (7) Within one hundred (100) feet of a dwelling between midnight
- 24 and 6:00 a.m., except on the individual's own property or property
- 25 under the individual's control or as an invited guest.
- 26 (8) On any property without the consent of the landowner or
- 27 tenant.
- 28 (9) While transporting on or in the vehicle a firearm, unless the
- 29 firearm is:
- 30 (A) unloaded; and
- 31 (B) securely encased or equipped with and made inoperative
- 32 by a manufactured keylocked trigger housing mechanism.
- 33 (10) On or across a cemetery or burial ground.
- 34 (11) Within one hundred (100) feet of a slide, ski, or skating area,
- 35 except for the purpose of servicing the area.
- 36 (12) On a railroad track or railroad right-of-way, except railroad
- 37 personnel in the performance of duties.
- 38 (13) In or upon a flowing river, stream, or creek, except for the
- 39 purpose of crossing by the shortest possible route, unless the
- 40 river, stream, or creek is of sufficient water depth to permit
- 41 movement by flotation of the vehicle at all times.
- 42 (14) An individual shall not operate a vehicle while a bow is



1 present in or on the vehicle if the nock of an arrow is in position
2 on the string of the bow.

3 (b) Subsection (a)(9) does not apply to a person who is carrying a
4 firearm:

5 (1) if:

6 (A) the firearm is a handgun; and

7 (B) the person is ~~not otherwise prohibited from possessing a~~
8 ~~firearm under state or federal law; or has been issued an~~
9 **unlimited handgun license to carry a handgun under**
10 **IC 35-47-2;**

11 (2) if:

12 (A) **the firearm is a handgun; and**

13 (B) **the person is not required to possess a license to carry**
14 **a handgun under IC 35-47-2.2.2; or**

15 ~~(2) (3)~~ (3) if the person carrying the firearm is operating the vehicle
16 on property that the person:

17 (A) owns;

18 (B) has a contractual interest in;

19 (C) otherwise legally possesses; or

20 (D) has permission from a person described in clauses (A)
21 through (C) to possess a firearm on.

22 SECTION 4. IC 31-30-1-4, AS AMENDED BY P.L.175-2022,
23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2023]: Sec. 4. (a) The juvenile court does not have jurisdiction
25 over an individual for an alleged violation of:

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

27 (2) IC 35-42-1-1 (murder);

28 (3) IC 35-42-3-2 (kidnapping);

29 (4) IC 35-42-4-1 (rape);

30 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);

31 (6) IC 35-42-5-1 (robbery) if:

32 (A) the robbery was committed while armed with a deadly
33 weapon; or

34 (B) the robbery results in bodily injury or serious bodily
35 injury;

36 (7) IC 35-42-5-2 (carjacking) (before its repeal);

37 ~~IC 35-47-2-1.5 (unlawful carrying of a handgun); if charged~~
38 ~~as a felony; IC 35-47-2-1 (carrying a handgun without a~~
39 **license), if charged as a felony;**

40 (9) IC 35-47-10 (children and firearms), if charged as a felony; or

41 (10) any offense that may be joined under IC 35-34-1-9(a)(2) with
42 any crime listed in this subsection;



1 if the individual was at least sixteen (16) years of age but less than
2 eighteen (18) years of age at the time of the alleged violation.

3 (b) Once an individual described in subsection (a) has been charged
4 with any offense listed in subsection (a), the court having adult
5 criminal jurisdiction shall retain jurisdiction over the case if the
6 individual pleads guilty to or is convicted of any offense listed in
7 subsection (a)(1) through (a)(9).

8 (c) If:

9 (1) an individual described in subsection (a) is charged with one

10 (1) or more offenses listed in subsection (a);

11 (2) all the charges under subsection (a)(1) through (a)(9) resulted
12 in an acquittal or were dismissed; and

13 (3) the individual pleads guilty to or is convicted of any offense
14 other than an offense listed in subsection (a)(1) through (a)(9);

15 the court having adult criminal jurisdiction may withhold judgment and
16 transfer jurisdiction to the juvenile court for adjudication and
17 disposition. In determining whether to transfer jurisdiction to the
18 juvenile court for adjudication and disposition, the court having adult
19 criminal jurisdiction shall consider whether there are appropriate
20 services available in the juvenile justice system, whether the child is
21 amenable to rehabilitation under the juvenile justice system, and
22 whether it is in the best interests of the safety and welfare of the
23 community that the child be transferred to juvenile court. All orders
24 concerning release conditions remain in effect until a juvenile court
25 detention hearing, which must be held not later than forty-eight (48)
26 hours, excluding Saturdays, Sundays, and legal holidays, after the order
27 of transfer of jurisdiction.

28 SECTION 5. IC 34-6-2-9.5 IS ADDED TO THE INDIANA CODE
29 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
30 1, 2023]: **Sec. 9.5. "Ammunition", for purposes of IC 34-24-6, has**
31 **the meaning set forth in IC 34-24-6-1.**

32 SECTION 6. IC 34-6-2-10.2 IS ADDED TO THE INDIANA CODE
33 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2023]: **Sec. 10.2. "Antique firearm", for purposes of IC 34-24-6,**
35 **has the meaning set forth in IC 34-24-6-2.**

36 SECTION 7. IC 34-6-2-46.7, AS AMENDED BY P.L.90-2010,
37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2023]: **Sec. 46.7. "Firearm", for purposes of IC 34-24-6,**
39 **IC 34-28-7, and IC 34-30-20, has the meaning set forth in**
40 **IC 35-47-1-5.**

41 SECTION 8. IC 34-6-2-46.8 IS ADDED TO THE INDIANA CODE
42 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY



1 1, 2023]: **Sec. 46.8. "Firearm accessory", for purposes of**
 2 **IC 34-24-6, has the meaning set forth in IC 34-24-6-4.**

3 SECTION 9. IC 34-6-2-46.9 IS ADDED TO THE INDIANA CODE
 4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2023]: **Sec. 46.9. "Firearm related product", for purposes of**
 6 **IC 34-24-6, has the meaning set forth in IC 34-24-6-5.**

7 SECTION 10. IC 34-6-2-47.1 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2023]: **Sec. 47.1. "Firearm precursor part",**
 10 **for purposes of IC 34-24-6, has the meaning set forth in**
 11 **IC 34-24-6-6.**

12 SECTION 11. IC 34-6-2-47.2 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2023]: **Sec. 47.2. "Firearm industry**
 15 **member", for purposes of IC 34-24-6, has the meaning set forth in**
 16 **IC 34-24-6-7.**

17 SECTION 12. IC 34-6-2-128.5 IS ADDED TO THE INDIANA
 18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2023]: **Sec. 128.5. "Reasonable controls", for**
 20 **purposes of IC 34-24-6, has the meaning set forth in IC 34-24-6-8.**

21 SECTION 13. IC 34-12-3-3, AS AMENDED BY P.L.106-2015,
 22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 3. Except as provided in section 5(1) or 5(2) of
 24 this chapter **and IC 34-24-6**, a person may not bring or maintain an
 25 action against a firearms or ammunition manufacturer, trade
 26 association, or seller for:

27 (1) recovery of damages resulting from, or injunctive relief or
 28 abatement of a nuisance relating to, the lawful:

- 29 (A) design;
 30 (B) manufacture;
 31 (C) marketing; or
 32 (D) sale;

33 of a firearm or ammunition for a firearm; or

34 (2) recovery of damages resulting from the criminal or unlawful
 35 misuse of a firearm or ammunition for a firearm by a third party.

36 SECTION 14. IC 34-12-3-4, AS AMENDED BY P.L.106-2015,
 37 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2023]: Sec. 4. **(a) This section does not apply to an action**
 39 **filed under IC 34-24-6.**

40 ~~(a)~~ **(b)** If a court finds that a party has brought an action under a
 41 theory of recovery described in section 3(1) or 3(2) of this chapter, the
 42 finding constitutes conclusive evidence that the action is groundless.



1 If a court makes a finding under this section, the court shall dismiss the
 2 claims or action and award to the defendant any reasonable attorney's
 3 fee and costs incurred in defending the claims or action.

4 ~~(b)~~ (c) If:

- 5 (1) a party has brought an action under a theory of recovery
 6 described in section 3(1) or 3(2) of this chapter;
 7 (2) the action commenced on or before August 27, 1999; and
 8 (3) the action is dismissed;

9 no award for attorney's fees or costs incurred shall issue to the plaintiff
 10 or the defendant.

11 SECTION 15. IC 34-12-3-5, AS AMENDED BY P.L.106-2015,
 12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2023]: Sec. 5. Nothing in this chapter may be construed to
 14 prohibit a person from bringing or maintaining an action against a
 15 firearms or ammunition manufacturer, trade association, or seller
 16 **under IC 34-24-6 or** for recovery of damages for the following:

- 17 (1) Breach of contract or warranty concerning firearms or
 18 ammunition purchased by a person.
 19 (2) Damage or harm to a person or to property owned or leased by
 20 a person caused by a defective firearm or ammunition.
 21 (3) Injunctive relief to enforce a valid statute, rule, or ordinance.
 22 However, a person may not bring an action seeking injunctive
 23 relief if that action is barred under section 3 of this chapter.

24 SECTION 16. IC 34-24-6 IS ADDED TO THE INDIANA CODE
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 2023]:

27 **Chapter 6. Cause of Action Against Firearm Industry Member**

28 **Sec. 1. As used in this chapter, "ammunition" has the meaning**
 29 **set forth in IC 35-47-1-2.5.**

30 **Sec. 2. As used in this chapter, "antique firearm" means either**
 31 **of the following:**

- 32 (1) A firearm:
 33 (A) not designed or redesigned for using rimfire or
 34 conventional center fire ignition with fixed ammunition;
 35 and
 36 (B) manufactured in or before the year 1898.

37 A firearm described in this subdivision includes a matchlock,
 38 flintlock, percussion cap, or similar type of ignition system or
 39 replica thereof, whether actually manufactured before or
 40 after the year 1898.

- 41 (2) A firearm using fixed ammunition manufactured in or
 42 before the year 1898, for which ammunition is:



- 1 (A) no longer manufactured in the United States; and
 2 (B) not readily available in the ordinary channels of
 3 commercial trade.

4 Sec. 3. As used in this chapter, "firearm" has the meaning set
 5 forth in IC 35-47-1-5.

6 Sec. 4. As used in this chapter, "firearm accessory" means an
 7 attachment or device designed or adapted to be inserted into,
 8 affixed onto, or used in conjunction with a firearm that is designed,
 9 intended, or functions to alter or enhance the firing capabilities of
 10 a firearm, the lethality of the firearm, or a shooter's ability to hold
 11 and use a firearm.

12 Sec. 5. As used in this chapter, "firearm related product" means
 13 a firearm, ammunition, a firearm precursor part, a firearm
 14 component, and a firearm accessory that meets any of the
 15 following conditions:

- 16 (1) The item is sold, made, or distributed in Indiana.
 17 (2) The item is intended to be sold or distributed in Indiana.
 18 (3) The item is or was possessed in Indiana and it was
 19 reasonably foreseeable that the item would be possessed in
 20 Indiana.

21 Sec. 6. As used in this chapter, "firearm precursor part" means
 22 any forging, casting, printing, extrusion, machined body or similar
 23 article that has reached a stage in manufacture where it may
 24 readily be completed, assembled or converted to be used as the
 25 frame or receiver of a functional firearm, or that is marketed or
 26 sold to the public to become or be used as the frame or receiver of
 27 a functional firearm once completed, assembled, or converted. The
 28 term does not include a firearm part that can only be used on an
 29 antique firearm.

30 Sec. 7. As used in this chapter, "firearm industry member"
 31 means a person, firm, corporation, company, partnership, society,
 32 joint stock company, or any other entity or association engaged in
 33 the manufacture, distribution, importation, marketing, wholesale,
 34 or retail sale of firearm related products.

35 Sec. 8. As used in this chapter, "reasonable controls" means
 36 reasonable procedures, acts, or practices that are designed,
 37 implemented, and enforced to do the following:

- 38 (1) Prevent the sale or distribution of a firearm related
 39 product to a:
 40 (A) straw purchaser;
 41 (B) firearm trafficker;
 42 (C) person prohibited from possessing a firearm under



1 state or federal law; or

2 (D) person who the firearm industry member has
3 reasonable cause to believe is at substantial risk of:

4 (i) using a firearm related product to harm themselves or
5 another; or

6 (ii) possessing or using a firearm related product
7 unlawfully.

8 (2) Prevent the loss or theft of a firearm related product from
9 the firearm industry member.

10 (3) Ensure that the firearm industry member complies with
11 all provisions of state and federal law and does not otherwise
12 promote the unlawful manufacture, sale, possession,
13 marketing, or use of a firearm related product.

14 **Sec. 9. (a) A firearm industry member shall comply with the**
15 **firearm industry standard of conduct. It is a violation of the**
16 **firearm industry standard of conduct for a firearm industry**
17 **member to fail to comply with any requirement of this section.**

18 (b) A firearm industry member shall do both of the following:

19 (1) Establish, implement, and enforce reasonable controls.

20 (2) Take reasonable precautions to ensure that the firearm
21 industry member does not sell, distribute, or provide a
22 firearm related product to a downstream distributor or
23 retailer of firearm related products that fails to establish,
24 implement, and enforce reasonable controls.

25 (c) A firearm industry member shall not manufacture, market,
26 import, offer for wholesale sale, or offer for retail sale a firearm
27 related product that is abnormally dangerous and likely to create
28 an unreasonable risk of harm to public health and safety in
29 Indiana. For the purposes of this subsection, the following apply:

30 (1) A firearm related product is not considered abnormally
31 dangerous and likely to create an unreasonable risk of harm
32 to public health and safety based on a firearm's inherent
33 capacity to cause injury or lethal harm.

34 (2) There is a presumption that a firearm related product is
35 abnormally dangerous and likely to create an unreasonable
36 risk of harm to public health and safety if any of the following
37 is true:

38 (A) The firearm related product's features render the
39 product most suitable for assaultive purposes instead of
40 lawful self-defense, hunting, or other legitimate sport and
41 recreational activities.

42 (B) The firearm related product is designed, sold, or



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marketed in a manner that foreseeably promotes conversion of legal firearm related products into illegal firearm related products.

(C) The firearm related product is designed, sold, or marketed in a manner that is targeted at minors or other individuals who are legally prohibited from accessing firearms.

(d) A firearm industry member shall not engage in any conduct related to the sale or marketing of firearm related products that constitutes an unfair method of competition and unfair or deceptive act or practice, including an act or practice undertaken by any person in a transaction intended to result or that results in the sale or lease of goods or services to a consumer in one (1) of the following ways:

- (1) Passing off goods or services as those of another.
- (2) Misrepresenting the source, sponsorship, approval, or certification of goods or services.
- (3) Misrepresenting the affiliation, connection, or association with, or certification by, another.
- (4) Using deceptive representations or designations of geographic origin in connection with goods or services.
- (5) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that the person does not have.
- (6) Representing that goods are original or new if they have deteriorated unreasonably or are altered, reconditioned, reclaimed, used, or secondhand.
- (7) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another.
- (8) Disparaging the goods, services, or business of another by false or misleading representation of fact.
- (9) Advertising goods or services with intent not to sell them as advertised.

(e) A firearm industry member shall not engage in any conduct related to the sale or marketing of firearm related products that constitutes unfair competition, including any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising.

(f) A firearm industry member shall not, with respect to the sale



1 or marketing of firearm related products, make a statement or
2 cause a statement to be made or disseminated:

3 (1) with intent directly or indirectly to:

4 (A) dispose of real or personal property;

5 (B) perform services, professional or otherwise, or
6 anything of any nature whatsoever; or

7 (C) induce the public to enter into any obligation relating
8 to an action described in subdivision (1) or (2);

9 (2) either:

10 (A) before the public in Indiana; or

11 (B) from Indiana before the public in any state;

12 (3) in a newspaper, in another publication, by an advertising
13 device, by public outcry or proclamation, over the Internet, or
14 in any other manner or means;

15 (4) concerning:

16 (A) real or personal property;

17 (B) services, professional or otherwise; or

18 (C) any circumstance or matter of fact connected with the
19 proposed performance or disposition of real or personal
20 property; and

21 (5) that is:

22 (A) untrue or misleading; or

23 (B) known, or which by the exercise of reasonable care
24 should be known, to be untrue or misleading.

25 The prohibition described in this subsection includes making,
26 disseminating, or causing to be made or disseminated a statement
27 described in this subsection as part of a plan or scheme with the
28 intent to not sell personal property or services, professional or
29 otherwise, as advertised at the price stated in the advertisement.

30 (g) A firearm industry member doing business in and
31 advertising to consumers in Indiana shall not, with respect to the
32 sale or marketing of firearm related products, make a false or
33 misleading advertising claim, including a claim that:

34 (1) purports to be based on factual, objective, or clinical
35 evidence;

36 (2) compares the product's effectiveness or safety to that of
37 other brands or products; or

38 (3) purports to be based on any fact.

39 Sec. 10. (a) An act or omission by a firearm industry member in
40 violation of the firearm industry standard of conduct set forth
41 section 9 of this chapter is actionable under this section.

42 (b) A person who has suffered harm in Indiana because of a



1 firearm industry member's conduct described by subsection (a)
2 may bring an action in a court with jurisdiction.

3 (c) The attorney general may bring a civil action in a court with
4 jurisdiction in the name of the state of Indiana to enforce this
5 chapter and remedy harm caused by a violation of this chapter.

6 (d) A city attorney may bring a civil action in a court with
7 jurisdiction in the name of that city to enforce this chapter and
8 remedy harm caused by a violation of this chapter.

9 (e) A county attorney may bring a civil action in a court with
10 jurisdiction in the name of that county to enforce this chapter and
11 remedy harm caused by a violation of this chapter.

12 Sec. 11. (a) If a court determines that a firearm industry
13 member engaged in conduct described by section 10(a) of this
14 chapter, the court may award one (1) or more of the following:

15 (1) Injunctive relief sufficient to prevent the firearm industry
16 member and any other defendant from further violating the
17 law.

18 (2) Damages.

19 (3) Attorney's fees and costs.

20 (4) Any other appropriate relief necessary to enforce this
21 chapter and remedy the harm caused by the conduct.

22 Sec. 12. (a) In an action alleging that a firearm industry member
23 failed to establish, implement, and enforce reasonable controls in
24 violation of section 9(b)(1) of this chapter, there is a rebuttable
25 presumption that the firearm industry member failed to implement
26 reasonable controls if both of the following conditions are satisfied:

27 (A) The firearm industry member's action or failure to act
28 created a reasonably foreseeable risk that the harm alleged by
29 the claimant would occur.

30 (B) The firearm industry member could have established,
31 implemented, and enforced reasonable controls to prevent or
32 substantially mitigate the risk that the harm would occur.

33 (b) If the rebuttable presumption described by subsection (a) is
34 established, the firearm industry member has the burden of
35 proving by a preponderance of the evidence that the firearm
36 industry member established, implemented, and enforced
37 reasonable controls.

38 Sec. 13. An intervening act by a third party, including criminal
39 misuse of a firearm related product, does not preclude a firearm
40 industry member from liability under this chapter.

41 Sec. 14. (a) This chapter may not be construed or implied to
42 limit or impair in any way the right of a person or entity to pursue



1 a legal action under any other authority.

2 (b) This chapter may not be construed or implied to limit or
3 impair in any way an obligation or requirement placed on a
4 firearm industry member by any other authority.

5 (c) This chapter must be construed and applied in a manner that
6 is consistent with the requirements of the Constitution of the
7 United States and the Constitution of the State of Indiana.

8 SECTION 17. IC 34-30-2.1-566.5 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2023]: **Sec. 566.5. IC 35-47-2.5-4.5**
11 **(Concerning the sale, trade, and transfer of firearms by firearms**
12 **dealers).**

13 SECTION 18. IC 35-31.5-2-19.5 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2023]: **Sec. 19.5. "Antique firearm", for**
16 **purposes of IC 35-47-1.5, has the meaning set forth in**
17 **IC 35-47-1.5-1.**

18 SECTION 19. IC 35-31.5-2-25.5 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2023]: **Sec. 25.5. "Barrel shroud", for**
21 **purposes of IC 35-47-5.5, has the meaning set forth in**
22 **IC 35-47-5.5-1.**

23 SECTION 20. IC 35-31.5-2-26.3 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2023]: **Sec. 26.3. "Belt fed semiautomatic**
26 **firearm", for purposes of IC 35-47-5.5, has the meaning set forth**
27 **in IC 35-47-5.5-2.**

28 SECTION 21. IC 35-31.5-2-38, AS AMENDED BY P.L.252-2017,
29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2023]: **Sec. 38. "Child", for purposes of IC 35-46-1-8,**
31 **IC 35-47-10, and IC 35-44.1-5-5, and IC 35-47-1.5, has the meaning**
32 **set forth in IC 35-47-10-3.**

33 SECTION 22. IC 35-31.5-2-78, AS AMENDED BY P.L.175-2022,
34 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2023]: **Sec. 78. "Crime of domestic violence", for purposes of**
36 **IC 5-2-6.1, IC 35-38-9, ~~IC 35-47-2-1.5~~, and IC 35-47-4-7, means an**
37 **offense or the attempt to commit an offense that:**

38 (1) has as an element the:

39 (A) use of physical force; or

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

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



1 SECTION 23. IC 35-31.5-2-92.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2023]: **Sec. 92.5. "Detachable magazine", for**
4 **purposes of IC 35-47-5.5, has the meaning set forth in**
5 **IC 35-47-5.5-3.**

6 SECTION 24. IC 35-31.5-2-136.2 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2023]: **Sec. 136.2. "Fixed magazine", for**
9 **purposes of IC 35-47-5.5, has the meaning set forth in**
10 **IC 35-47-5.5-4.**

11 SECTION 25. IC 35-31.5-2-136.5 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2023]: **Sec. 136.5. "Folding, telescoping, or**
14 **detachable stock", for purposes of IC 35-47-5.5, has the meaning**
15 **set forth in IC 35-47-5.5-5.**

16 SECTION 26. IC 35-31.5-2-139.1 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2023]: **Sec. 139.1. "Forward grip", for**
19 **purposes of IC 35-47-5.5, has the meaning set forth in**
20 **IC 35-47-5.5-6.**

21 SECTION 27. IC 35-31.5-2-146.5 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2023]: **Sec. 146.5. "Grenade launcher", for**
24 **purposes of IC 35-47-5.5, has the meaning set forth in**
25 **IC 35-47-5.5-7.**

26 SECTION 28. IC 35-31.5-2-171.3 IS ADDED TO THE INDIANA
27 CODE AS A NEW SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2023]: **Sec. 171.3. "Inoperable firearm", for**
29 **purposes of IC 35-47-1.5, has the meaning set forth in**
30 **IC 35-47-1.5-3.**

31 SECTION 29. IC 35-31.5-2-187.5 IS ADDED TO THE INDIANA
32 CODE AS A NEW SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2023]: **Sec. 187.5. "Licensed importer,**
34 **licensed manufacturer, licensed dealer, or licensed collector", for**
35 **purposes of IC 35-47-5.5, has the meaning set forth in**
36 **IC 35-47-5.5-8.**

37 SECTION 30. IC 35-31.5-2-188.1 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2023]: **Sec. 188.1. "Loaded firearm", for**
40 **purposes of IC 35-47-1.5, has the meaning set forth in**
41 **IC 35-47-1.5-4.**

42 SECTION 31. IC 35-31.5-2-210.5, AS ADDED BY P.L.66-2016,



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2023]: Sec. 210.5. "NFA firearm", for purposes of
3 **IC 35-47-2.5-4.5 and IC 35-47-8.5**, has the meaning set forth in
4 IC 35-47-8.5-1.

5 SECTION 32. IC 35-31.5-2-235.6 IS ADDED TO THE INDIANA
6 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2023]: **Sec. 235.6. "Pistol grip", for purposes**
8 **of IC 35-47-5.5, has the meaning set forth in IC 35-47-5.5-9.**

9 SECTION 33. IC 35-31.5-2-273.4, AS ADDED BY P.L.58-2020,
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2023]: Sec. 273.4. **(a) "Relative", for purposes of IC 35-40.5,**
12 **has the meaning set forth in IC 35-40.5-1-1.**

13 **(b) "Relative", for purposes of IC 35-47-2.5-4.5, has the**
14 **meaning set forth in IC 35-42-2-1(b).**

15 SECTION 34. IC 35-31.5-2-288.5 IS ADDED TO THE INDIANA
16 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2023]: **Sec. 288.5. "Secures", for purposes of**
18 **IC 35-47-1.5, has the meaning set forth in IC 35-47-1.5-5.**

19 SECTION 35. IC 35-31.5-2-291.4 IS ADDED TO THE INDIANA
20 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2023]: **Sec. 291.4. "Semiautomatic assault**
22 **weapon", for purposes of IC 35-47-5.5, has the meaning set forth**
23 **in IC 35-47-5.5-10.**

24 SECTION 36. IC 35-31.5-2-291.5 IS ADDED TO THE INDIANA
25 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2023]: **Sec. 291.5. "Semiautomatic pistol",**
27 **for purposes of IC 35-47-5.5, has the meaning set forth in**
28 **IC 35-47-5.5-11.**

29 SECTION 37. IC 35-31.5-2-291.6 IS ADDED TO THE INDIANA
30 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2023]: **Sec. 291.6. "Semiautomatic rifle", for**
32 **purposes of IC 35-47-5.5, has the meaning set forth in**
33 **IC 35-47-5.5-12.**

34 SECTION 38. IC 35-31.5-2-291.7 IS ADDED TO THE INDIANA
35 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2023]: **Sec. 291.7. "Semiautomatic shotgun",**
37 **for purposes of IC 35-47-5.5, has the meaning set forth in**
38 **IC 35-47-5.5-13.**

39 SECTION 39. IC 35-31.5-2-329.8 IS ADDED TO THE INDIANA
40 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2023]: **Sec. 329.8. "Threaded barrel", for**
42 **purposes of IC 35-47-5.5, has the meaning set forth in**



1 **IC 35-47-5.5-14.**

2 SECTION 40. IC 35-33-1-1, AS AMENDED BY P.L.175-2022,
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2023]: Sec. 1. (a) A law enforcement officer may arrest a
5 person when the officer has:

- 6 (1) a warrant commanding that the person be arrested;
7 (2) probable cause to believe the person has committed or
8 attempted to commit, or is committing or attempting to commit,
9 a felony;
10 (3) probable cause to believe the person has violated the
11 provisions of IC 9-26-1-1.1 or IC 9-30-5;
12 (4) probable cause to believe the person is committing or
13 attempting to commit a misdemeanor in the officer's presence;
14 (5) probable cause to believe the person has committed a:
15 (A) battery resulting in bodily injury under IC 35-42-2-1; or
16 (B) domestic battery under IC 35-42-2-1.3.
17 The officer may use an affidavit executed by an individual alleged
18 to have direct knowledge of the incident alleging the elements of
19 the offense of battery to establish probable cause;
20 (6) probable cause to believe that the person violated
21 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;
22 (7) probable cause to believe that the person violated
23 ~~IC 35-47-2-1.5 (unlawful carrying of a handgun)~~ **IC 35-47-2-1**
24 **(carrying a handgun without a license)** or IC 35-47-2-22
25 (counterfeit handgun license);
26 (8) probable cause to believe that the person is violating or has
27 violated an order issued under IC 35-50-7;
28 (9) probable cause to believe that the person is violating or has
29 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
30 device);
31 (10) probable cause to believe that the person is:
32 (A) violating or has violated IC 35-45-2-5 (interference with
33 the reporting of a crime); and
34 (B) interfering with or preventing the reporting of a crime
35 involving domestic or family violence (as defined in
36 IC 34-6-2-34.5);
37 (11) probable cause to believe that the person has committed theft
38 (IC 35-43-4-2);
39 (12) a removal order issued for the person by an immigration
40 court;
41 (13) a detainer or notice of action for the person issued by the
42 United States Department of Homeland Security; or



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

4 (b) A person who:

- 5 (1) is employed full time as a federal enforcement officer;
 6 (2) is empowered to effect an arrest with or without warrant for a
 7 violation of the United States Code; and
 8 (3) is authorized to carry firearms in the performance of the
 9 person's duties;

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

13 SECTION 41. IC 35-47-1-2.6 IS ADDED TO THE INDIANA
 14 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2023]: **Sec. 2.6. "Antique firearm", for**
 16 **purposes of IC 35-47-1.5, has the meaning set forth in**
 17 **IC 35-47-1.5-1.**

18 SECTION 42. IC 35-47-1-2.7 IS ADDED TO THE INDIANA
 19 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2023]: **Sec. 2.7. "Barrel shroud", for**
 21 **purposes of IC 35-47-5.5, has the meaning set forth in**
 22 **IC 35-47-5.5-1.**

23 SECTION 43. IC 35-47-1-2.8 IS ADDED TO THE INDIANA
 24 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2023]: **Sec. 2.8. "Belt fed semiautomatic**
 26 **firearm", for purposes of IC 35-47-5.5, has the meaning set forth**
 27 **in IC 35-47-5.5-2.**

28 SECTION 44. IC 35-47-1-2.9 IS ADDED TO THE INDIANA
 29 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2023]: **Sec. 2.9. "Child", for purposes of**
 31 **IC 35-47-1.5, has the meaning set forth in IC 35-47-10-3.**

32 SECTION 45. IC 35-47-1-3.5 IS ADDED TO THE INDIANA
 33 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2023]: **Sec. 3.5. "Detachable magazine", for**
 35 **purposes of IC 35-47-5.5, has the meaning set forth in**
 36 **IC 35-47-5.5-3.**

37 SECTION 46. IC 35-47-1-5.2 IS ADDED TO THE INDIANA
 38 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2023]: **Sec. 5.2. "Fixed magazine", for**
 40 **purposes of IC 35-47-5.5, has the meaning set forth in**
 41 **IC 35-47-5.5-4.**

42 SECTION 47. IC 35-47-1-5.3 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2023]: **Sec. 5.3. "Folding, telescoping, or**
3 **detachable stock", for purposes of IC 35-47-5.5, has the meaning**
4 **set forth in IC 35-47-5.5-5.**

5 SECTION 48. IC 35-47-1-5.4 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2023]: **Sec. 5.4. "Forward grip", for**
8 **purposes of IC 35-47-5.5, has the meaning set forth in**
9 **IC 35-47-5.5-6.**

10 SECTION 49. IC 35-47-1-5.6 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2023]: **Sec. 5.6. "Grenade launcher", for**
13 **purposes of IC 35-47-5.5, has the meaning set forth in**
14 **IC 35-47-5.5-7.**

15 SECTION 50. IC 35-47-1-6.3 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2023]: **Sec. 6.3. "Inoperable firearm", for**
18 **purposes of IC 35-47-1.5, has the meaning set forth in**
19 **IC 35-47-1.5-3.**

20 SECTION 51. IC 35-47-1-6.5 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2023]: **Sec. 6.5. "Licensed importer, licensed**
23 **manufacturer, licensed dealer, or licensed collector", for purposes**
24 **of IC 35-47-5.5, has the meaning set forth in IC 35-47-5.5-8.**

25 SECTION 52. IC 35-47-1-6.6 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2023]: **Sec. 6.6. "Loaded firearm", for**
28 **purposes of IC 35-47-1.5, has the meaning set forth in**
29 **IC 35-47-1.5-4.**

30 SECTION 53. IC 35-47-1-6.7 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2023]: **Sec. 6.7. "NFA firearm" has the**
33 **meaning set forth in IC 35-47-8.5-1.**

34 SECTION 54. IC 35-47-1-6.8 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2023]: **Sec. 6.8. "Pistol grip", for purposes of**
37 **IC 35-47-5.5, has the meaning set forth in IC 35-47-5.5-9.**

38 SECTION 55. IC 35-47-1-8.5 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2023]: **Sec. 8.5. "Relative" has the meaning**
41 **set forth in IC 35-42-2-1(b).**

42 SECTION 56. IC 35-47-1-10.2 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2023]: **Sec. 10.2. "Secures", for purposes of**
 3 **IC 35-47-1.5, has the meaning set forth in IC 35-47-1.5-5.**

4 SECTION 57. IC 35-47-1-10.4 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2023]: **Sec. 10.4. "Semiautomatic assault**
 7 **weapon", for purposes of IC 35-47-5.5, has the meaning set forth**
 8 **in IC 35-47-5.5-10.**

9 SECTION 58. IC 35-47-1-10.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2023]: **Sec. 10.5. "Semiautomatic pistol", for**
 12 **purposes of IC 35-47-5.5, has the meaning set forth in**
 13 **IC 35-47-5.5-11.**

14 SECTION 59. IC 35-47-1-10.6 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2023]: **Sec. 10.6. "Semiautomatic rifle", for**
 17 **purposes of IC 35-47-5.5, has the meaning set forth in**
 18 **IC 35-47-5.5-12.**

19 SECTION 60. IC 35-47-1-10.7 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2023]: **Sec. 10.7. "Semiautomatic shotgun",**
 22 **for purposes of IC 35-47-5.5, has the meaning set forth in**
 23 **IC 35-47-5.5-13.**

24 SECTION 61. IC 35-47-1-12.5 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2023]: **Sec. 12.5. "Threaded barrel", for**
 27 **purposes of IC 35-47-5.5, has the meaning set forth in**
 28 **IC 35-47-5.5-14.**

29 SECTION 62. IC 35-47-1.5 IS ADDED TO THE INDIANA CODE
 30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2023]:

32 **Chapter 1.5. Storage of Firearms**

33 **Sec. 1. As used in this chapter, "antique firearm" has the**
 34 **meaning set forth in 18 U.S.C. 921(a)(16).**

35 **Sec. 2. As used in this chapter, "child" has the meaning set forth**
 36 **in IC 35-47-10-3.**

37 **Sec. 3. As used in this chapter, "inoperable firearm" means a**
 38 **firearm that is permanently unable to discharge or expel a**
 39 **projectile by means of an explosion. The term does not include any**
 40 **firearm that may be modified to discharge or expel a projectile by**
 41 **means of an explosion.**

42 **Sec. 4. As used in this chapter, "loaded firearm" means a**



- 1 firearm with one (1) or more of the following characteristics:
 2 (1) A bullet, cartridge, projectile, or round in the breech,
 3 chamber, or cylinder of the firearm.
 4 (2) Ammunition in close proximity to the firearm so that a
 5 person can readily insert the ammunition into the firearm.
 6 (3) Ammunition that is:
 7 (A) inserted or stored inside the:
 8 (i) breech;
 9 (ii) cylinder; or
 10 (iii) fixed magazine;
 11 of the firearm; or
 12 (B) housed or stored inside a detachable magazine of the
 13 firearm.
- 14 Sec. 5. As used in this chapter, "secures" means to prevent
 15 access to a firearm. The term includes the following:
 16 (1) Placing or storing the firearm in a locked container.
 17 (2) Temporarily rendering the firearm inoperable by:
 18 (A) use of a trigger lock, bore lock, cable lock, or
 19 comparable device; or
 20 (B) disassembling the firearm in a manner that prevents
 21 the firearm from operating.
- 22 Sec. 6. (a) This chapter does not apply to the following:
 23 (1) Antique firearms.
 24 (2) Inoperable firearms.
 25 (3) A person who secures a firearm against unauthorized
 26 access to the firearm.
 27 (4) A person who carries a firearm:
 28 (A) on his or her person; or
 29 (B) in such proximity to his or her person that the firearm
 30 may be readily retrieved and used.
 31 (5) Any use of a firearm described in IC 35-47-10-1(b).
 32 (6) Any possession of a firearm described in IC 34-28-7.
- 33 (b) It is unlawful for a person to knowingly or intentionally
 34 store or keep a loaded firearm on any premises under the person's
 35 control if one (1) or more of the following conditions apply:
 36 (1) The person knows, or reasonably should know, that a child
 37 is likely to gain access to the firearm.
 38 (2) The person knows, or reasonably should know, that a
 39 permanent resident or temporary occupant of the premises is
 40 disqualified, ineligible, or prohibited from possessing a
 41 firearm under federal or state law.
 42 (3) The person knows, or reasonably should know, that a



1 permanent resident or temporary occupant of the premises
 2 poses a risk of imminent personal injury to the permanent
 3 resident or temporary occupant or any other individual.

4 (c) If:

5 (1) a person described in subsection (b) fails to secure a
 6 firearm; and

7 (2) use of the unsecured firearm by another person results in:

8 (A) any injury to; or

9 (B) the death of;

10 any other person;

11 the person responsible for control of the premises commits unsafe
 12 storage of a firearm, a Level 6 felony. However, the offense is a
 13 Level 5 felony if the person has a prior, unrelated conviction for an
 14 offense under this section.

15 (d) It is a defense to a prosecution under subsection (c) that the
 16 injury or death inflicted on the other person occurred during a
 17 lawful act of:

18 (1) self-defense; or

19 (2) defense of a third party.

20 SECTION 63. IC 35-47-2-1, AS AMENDED BY P.L.175-2022,
 21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2023]: Sec. 1. (a) ~~A person who meets the following~~
 23 ~~requirements may carry a handgun in the manner described in~~
 24 ~~subsection (b):~~

25 ~~(1) The person is not prohibited from possessing or carrying a~~
 26 ~~handgun under federal law as in effect on January 1, 2022.~~

27 ~~(2) Notwithstanding section 1.5 of this chapter, the person is not~~
 28 ~~otherwise prohibited under state law from possessing or carrying~~
 29 ~~a handgun.~~

30 ~~(3) The person does not meet the requirements under~~
 31 ~~IC 35-47-2-3 to receive a license to carry a handgun in Indiana.~~

32 **Except as provided in subsections (b) and (c) and sections 2.2**
 33 **and 2.3 of this chapter, a person shall not carry a handgun in**
 34 **any vehicle or on or about the person's body without being**
 35 **licensed under this chapter to carry a handgun.**

36 (b) **Except as provided in subsection (c),** a person may carry a
 37 handgun without being licensed under this chapter to carry a handgun
 38 if:

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

42 (2) the person carries the handgun on or about the person's body



1 while lawfully present in or on property that is owned, leased,
 2 rented, or otherwise legally controlled by another person, if the
 3 person:

4 (A) has the consent of the owner, renter, lessor, or person who
 5 legally controls the property to have the handgun on the
 6 premises;

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

10 (C) is on the property to receive firearms related services,
 11 including the repair, maintenance, or modification of a
 12 firearm;

13 (3) the person carries the handgun in a vehicle that is owned,
 14 leased, rented, or otherwise legally controlled by the person, if the
 15 handgun is:

16 (A) unloaded;

17 (B) not readily accessible; and

18 (C) secured in a case;

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

22 (A) unloaded;

23 (B) not readily accessible; and

24 (C) secured in a case; **or**

25 (5) the person carries the handgun:

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

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

28 (C) while engaged in a legal hunting activity; **or**

29 **(6) the person is permitted to carry a handgun without a**
 30 **license under section 2.3 of this chapter (persons protected by**
 31 **a protection order).**

32 **(c) Unless the person's right to possess a firearm has been**
 33 **restored under IC 35-47-4-7, a person who has been convicted of**
 34 **domestic battery under IC 35-42-2-1.3 may not possess or carry a**
 35 **handgun.**

36 **(e) (d) This chapter section may not be construed:**

37 (1) to prohibit a person who owns, leases, rents, or otherwise
 38 legally controls private property from regulating or prohibiting the
 39 possession of firearms on the private property;

40 (2) to allow a person to adopt or enforce an ordinance, resolution,
 41 policy, or rule that:

42 (A) prohibits; or



1 (B) has the effect of prohibiting;
 2 an employee of the person from possessing a firearm or
 3 ammunition that is locked in the trunk of the employee's vehicle,
 4 kept in the glove compartment of the employee's locked vehicle,
 5 or stored out of plain sight in the employee's locked vehicle,
 6 unless the person's adoption or enforcement of the ordinance,
 7 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or
 8 (3) to allow a person to adopt or enforce a law, statute, ordinance,
 9 resolution, policy, or rule that allows a person to possess or
 10 transport a firearm or ammunition if the person is prohibited from
 11 possessing or transporting the firearm or ammunition by state or
 12 federal law.

13 (d) Nothing in this chapter may be construed to affect the status or
 14 validity of a five (5) year or lifetime license to carry a handgun issued
 15 by the superintendent before July 1, 2022. Any license described under
 16 this subsection shall remain valid for the duration of the license or the
 17 lifetime of the licensee, as applicable.

18 (e) A person who knowingly or intentionally violates this section
 19 commits a Class A misdemeanor. However, the offense is a Level
 20 5 felony:

- 21 (1) if the offense is committed:
 22 (A) on or in school property;
 23 (B) within five hundred (500) feet of school property; or
 24 (C) on a school bus; or
 25 (2) if the person:
 26 (A) has a prior conviction of any offense under:
 27 (i) this section; or
 28 (ii) section 22 of this chapter; or
 29 (B) has been convicted of a felony within fifteen (15) years
 30 before the date of the offense.

31 SECTION 64. IC 35-47-2-1.5 IS REPEALED [EFFECTIVE JULY
 32 1, 2023]. Sec. 1-5. (a) The following terms are defined for this section:

- 33 (1) "Adjudicated a mental defective" means a determination by a
 34 court that a person:
 35 (A) presents a danger to the person or to others; or
 36 (B) lacks the mental capacity necessary to contract or manage
 37 the person's affairs.

38 The term includes a finding of insanity by a court in a criminal
 39 proceeding:

- 40 (2) "Alien" means any person who is not lawfully in the United
 41 States. The term includes:

- 42 (A) any person who has:



- 1 (i) entered the United States without inspection and
 2 authorization by an immigration officer; and
 3 (ii) not been paroled into the United States under the federal
 4 Immigration and Nationality Act;
- 5 (B) a nonimmigrant:
 6 (i) whose authorized period of stay has expired; or
 7 (ii) who has violated the terms of the nonimmigrant category
 8 under which the person was admitted;
- 9 (C) a person paroled under the federal Immigration and
 10 Nationality Act whose period of parole has:
 11 (i) expired; or
 12 (ii) been terminated; and
- 13 (D) a person subject to an order:
 14 (i) of deportation, exclusion, or removal; or
 15 (ii) to depart the United States voluntarily;
 16 regardless of whether or not the person has left the United
 17 States.
- 18 (3) "Committed to a mental institution" means the formal
 19 commitment of a person to a mental institution by a court. The
 20 term includes:
 21 (A) a commitment for:
 22 (i) a cognitive or mental defect; or
 23 (ii) a mental illness; and
 24 (B) involuntary commitments.
- 25 The term does not include voluntary commitments or a
 26 commitment made for observational purposes.
- 27 (4) "Crime of domestic violence" has the meaning set forth in
 28 IC 35-31.5-2-78.
- 29 (5) "Dangerous" has the meaning set forth in IC 35-47-14-1.
- 30 (6) "Fugitive from justice" means any person who:
 31 (A) flees or leaves from any state to avoid prosecution for a
 32 felony or misdemeanor offense; or
 33 (B) flees or leaves any state to avoid testifying in a criminal
 34 proceeding.
- 35 (7) "Indictment" means any formal accusation of a crime made by
 36 a prosecuting attorney in any court for a crime punishable by a
 37 term of imprisonment exceeding one (1) year.
- 38 (8) A crime or offense "punishable by a term of imprisonment
 39 exceeding one (1) year" does not include a federal or state crime
 40 or offense pertaining to antitrust violations; unfair trade practices;
 41 restraints of trade; or other similar offenses relating to the
 42 regulation of business practices.



1 (b) Except as provided in subsections (c) and (d), the following
 2 persons may not knowingly or intentionally carry a handgun:

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

5 (2) A fugitive from justice.

6 (3) An alien.

7 (4) A person convicted of:

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

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

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

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

13 (6) A person under indictment.

14 (7) A person who has been:

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

16 (B) adjudicated a mental defective; or

17 (C) committed to a mental institution.

18 (8) A person dishonorably discharged from:

19 (A) military service; or

20 (B) the National Guard.

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

23 (10) A person who is less than:

24 (A) eighteen (18) years of age; or

25 (B) twenty-three (23) years of age and has an adjudication as
 26 a delinquent child for an act described by IC 35-47-4-5;

27 unless authorized under IC 35-47-10.

28 (c) Subsection (b)(4)(A) and (b)(4)(B) does not apply to a person if
 29 a court has restored the person's right to possess a firearm under
 30 IC 35-47-4-7.

31 (d) A person who has:

32 (1) been adjudicated dangerous under IC 35-47-14-6; and

33 (2) successfully petitioned for the return of a firearm under
 34 IC 35-47-14-8 with respect to the adjudication under subdivision

35 (1);

36 is not prohibited from carrying a handgun under subsection (b) on the
 37 basis that the person was adjudicated dangerous under subdivision (1).

38 However, the person may still be prohibited from carrying a handgun
 39 on one (1) or more of the other grounds listed in subsection (b):

40 (e) A person who violates this section commits unlawful carrying of
 41 a handgun, a Class A misdemeanor. However, the offense is a Level 5
 42 felony if:



- 1 (1) the offense is committed:
 2 (A) on or in school property;
 3 (B) within five hundred (500) feet of school property; or
 4 (C) on a school bus; or
 5 (2) the person:
 6 (A) has a prior conviction of any offense under:
 7 (i) this section;
 8 (ii) section 1 of this chapter (carrying a handgun without a
 9 license) (before its repeal); or
 10 (iii) section 22 of this chapter; or
 11 (B) has been convicted of a felony within fifteen (15) years
 12 before the date of the offense.

13 SECTION 65. IC 35-47-2-2.2 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2023]: **Sec. 2.2. Section 1 of this chapter does**
 16 **not apply to:**

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

39 SECTION 66. IC 35-47-2-2.3 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2023]: **Sec. 2.3. (a) As used in this section,**
 42 **"protection order" means a civil protection order issued under**



1 **IC 34-26-5.**

2 **(b) A person may carry a handgun without a license if the**
 3 **person:**

- 4 **(1) has applied for a license to carry a handgun as described**
 5 **in section 3 of this chapter;**
 6 **(2) is protected by a protection order;**
 7 **(3) is at least eighteen (18) years of age; and**
 8 **(4) is not otherwise barred by state or federal law from**
 9 **possessing a handgun;**

10 **during the period described in subsection (c).**

11 **(c) A person described in subsection (b) may carry a handgun**
 12 **without a license for a period ending sixty (60) days after the date**
 13 **the protection order is issued.**

14 SECTION 67. IC 35-47-2-3, AS AMENDED BY P.L.175-2022,
 15 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2023]: Sec. 3. (a) A person who is at least eighteen (18) years
 17 of age and is not otherwise prohibited from carrying or possessing
 18 **desiring a license to carry** a handgun under state or federal law is not
 19 required to obtain or possess a license or permit from the state to carry
 20 a handgun in Indiana. A resident of this state who wishes to carry a
 21 firearm in another state under a reciprocity agreement entered into by
 22 this state and another state may obtain a license to carry a handgun in
 23 Indiana under this chapter by applying: **shall apply:**

- 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 license to carry a handgun to
 36 submit an application electronically under this chapter if funds are
 37 available to establish and maintain an electronic application system.

38 (b) This subsection applies before July 1, 2020. The law
 39 enforcement agency which accepts an application for a handgun license
 40 shall collect the following application fees:

- 41 (1) From a person applying for a four (4) year handgun license, a
 42 ten dollar (\$10) application fee, five dollars (\$5) of which shall be



1 refunded if the license is not issued.

2 (2) From a person applying for a lifetime handgun license who
3 does not currently possess a valid Indiana handgun license, a fifty
4 dollar (\$50) application fee, thirty dollars (\$30) of which shall be
5 refunded if the license is not issued.

6 (3) From a person applying for a lifetime handgun license who
7 currently possesses a valid Indiana handgun license, a forty dollar
8 (\$40) application fee, thirty dollars (\$30) of which shall be
9 refunded if the license is not issued.

10 Except as provided in subsection (j), the fee shall be deposited into the
11 law enforcement agency's firearms training fund or other appropriate
12 training activities fund and used by the agency to train law enforcement
13 officers in the proper use of firearms or in other law enforcement
14 duties, or to purchase firearms, firearm related equipment, or body
15 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
16 employed by the law enforcement agency. The state board of accounts
17 shall establish rules for the proper accounting and expenditure of funds
18 collected under this subsection.

19 (c) This subsection applies after June 30, 2020, and before July 1,
20 2021. The law enforcement agency which accepts an application for a
21 handgun license shall not collect a fee from a person applying for a five
22 (5) year handgun license and shall collect the following application
23 fees:

24 (1) From a person applying for a lifetime handgun license who
25 does not currently possess a valid Indiana handgun license, a fifty
26 dollar (\$50) application fee, thirty dollars (\$30) of which shall be
27 refunded if the license is not issued.

28 (2) From a person applying for a lifetime handgun license who
29 currently possesses a valid Indiana handgun license, a forty dollar
30 (\$40) application fee, thirty dollars (\$30) of which shall be
31 refunded if the license is not issued.

32 Except as provided in subsection (j), the fee shall be deposited into the
33 law enforcement agency's firearms training fund or other appropriate
34 training activities fund and used by the agency to train law enforcement
35 officers in the proper use of firearms or in other law enforcement
36 duties, or to purchase firearms, firearm related equipment, or body
37 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
38 employed by the law enforcement agency. The state board of accounts
39 shall establish rules for the proper accounting and expenditure of funds
40 collected under this subsection.

41 (d) This subsection applies after June 30, 2021. The law
42 enforcement agency which accepts an application for a handgun license



1 shall not collect a fee from a person applying for a handgun license.

2 (e) 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
 10 and, if so, the serial number of the license and year issued, whether the
 11 applicant's license has ever been suspended or revoked, and if so, the
 12 year and reason for the suspension or revocation, and the applicant's
 13 reason for desiring a license. If the applicant is not a United States
 14 citizen, the officer to whom the application is made shall ascertain the
 15 applicant's country of citizenship, place of birth, and any alien or
 16 admission number issued by the United States Citizenship and
 17 Immigration Services or United States Customs and Border Protection
 18 or any successor agency as applicable. The officer to whom the
 19 application is made shall conduct an investigation into the applicant's
 20 official records and verify thereby the applicant's character and
 21 reputation, and shall in addition verify for accuracy the information
 22 contained in the application, and shall forward this information
 23 together with the officer's recommendation for approval or disapproval
 24 and one (1) set of legible and classifiable fingerprints of the applicant
 25 to the superintendent. An investigation conducted under this section
 26 must include the consulting of available local, state, and federal
 27 criminal history data banks, including the National Instant Criminal
 28 Background Check System (NICS), to determine whether possession
 29 of a firearm by an applicant would be a violation of state or federal law.

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

36 (g) If it appears to the superintendent that the applicant:

- 37 (1) has a proper reason for ~~receiving a license to carry~~ **carrying**
 38 a handgun;
 39 (2) is of good character and reputation;
 40 (3) is a proper person to be licensed; and
 41 (4) is:
 42 (A) a citizen of the United States; or



1 (B) not a citizen of the United States but is allowed to carry a
 2 firearm in the United States under federal law;
 3 the superintendent shall issue to the applicant a **qualified or an**
 4 **unlimited** license to carry a **any handgun in Indiana lawfully**
 5 **possessed by the applicant.** The original license shall be delivered to
 6 the licensee. A copy shall be delivered to the officer to whom the
 7 application for license was made. A copy shall be retained by the
 8 superintendent for at least five (5) years in the case of a five (5) year
 9 license. The superintendent may adopt guidelines to establish a records
 10 retention policy for a lifetime license. A five (5) year license shall be
 11 valid for a period of five (5) years from the date of issue. A lifetime
 12 license is valid for the life of the individual receiving the license. The
 13 license of police officers, sheriffs or their deputies, and law
 14 enforcement officers of the United States government who have twenty
 15 (20) or more years of service shall be valid for the life of these
 16 individuals. However, a lifetime license is automatically revoked if the
 17 license holder does not remain a proper person.

18 (h) At the time a license is issued and delivered to a licensee under
 19 subsection (g), the superintendent shall include with the license
 20 information concerning ~~firearms~~ **handgun** safety rules that:

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

23 (2) is:

24 (A) recommended by a nonprofit educational organization that
 25 is dedicated to providing education on safe handling and use
 26 of firearms;

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

28 (C) approved by the superintendent.

29 The superintendent may not deny a license under this section because
 30 the information required under this subsection is unavailable at the
 31 time the superintendent would otherwise issue a license. The state
 32 police department may accept private donations or grants to defray the
 33 cost of printing and mailing the information required under this
 34 subsection.

35 (i) A license to carry a handgun shall not be issued to any person
 36 who:

37 (1) has been convicted of a felony;

38 (2) has had a license to carry a handgun suspended, unless the
 39 person's license has been reinstated;

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

41 (4) is under twenty-three (23) years of age if the person has been
 42 adjudicated a delinquent child for an act that would be a felony if



- 1 committed by an adult;
 2 (5) has been arrested for a Class A or Class B felony for an
 3 offense committed before July 1, 2014, for a Level 1, Level 2,
 4 Level 3, or Level 4 felony for an offense committed after June 30,
 5 2014, or any other felony that was committed while armed with
 6 a deadly weapon or that involved the use of violence, if a court
 7 has found probable cause to believe that the person committed the
 8 offense charged; **or**
 9 (6) is prohibited by federal law from possessing or receiving
 10 firearms under 18 U.S.C. 922(g). ~~or~~
 11 ~~(7) is described in IC 35-47-2-1.5, unless exempted by~~
 12 ~~IC 35-47-2-1.5.~~

13 In the case of an arrest under subdivision (5), a license to carry a
 14 handgun may be issued to a person who has been acquitted of the
 15 specific offense charged or if the charges for the specific offense are
 16 dismissed. The superintendent shall prescribe all forms to be used in
 17 connection with the administration of this chapter.

18 (j) If the law enforcement agency that charges a fee under
 19 subsection (b) or (c) is a city or town law enforcement agency, the fee
 20 shall be deposited in the law enforcement continuing education fund
 21 established under IC 5-2-8-2.

22 (k) If a person who holds a valid license to carry a handgun issued
 23 under this chapter:

- 24 (1) changes the person's name;
 25 (2) changes the person's address; or
 26 (3) experiences a change, including an arrest or a conviction, that
 27 may affect the person's status as a proper person (as defined in
 28 IC 35-47-1-7) or otherwise disqualify the person from holding a
 29 license;

30 the person shall, not later than thirty (30) days after the date of a
 31 change described under subdivision (3), and not later than sixty (60)
 32 days after the date of the change described under subdivision (1) or (2),
 33 notify the superintendent, in writing, of the event described under
 34 subdivision (3) or, in the case of a change under subdivision (1) or (2),
 35 the person's new name or new address.

36 (l) The state police shall indicate on the form for a license to carry
 37 a handgun the notification requirements of subsection (k).

38 (m) The state police department shall adopt rules under IC 4-22-2
 39 to:

- 40 **(1) implement an electronic application system under subsection**
 41 **(a); and**
 42 **(2) expedite the processing of an application made by a person**



1 **described in section 2.3(b) of this chapter.**
 2 Rules adopted under this section must require the superintendent to
 3 keep on file one (1) set of classifiable and legible fingerprints from
 4 every person who has received a license to carry a handgun so that a
 5 person who applies to renew a license will not be required to submit an
 6 additional set of fingerprints.

7 (n) Except as provided in subsection (o), for purposes of
 8 IC 5-14-3-4(a)(1), the following information is confidential, may not
 9 be published, and is not open to public inspection:

10 (1) Information submitted by a person under this section to:

11 (A) obtain; or

12 (B) renew;

13 a license to carry a handgun.

14 (2) Information obtained by a federal, state, or local government
 15 entity in the course of an investigation concerning a person who
 16 applies to:

17 (A) obtain; or

18 (B) renew;

19 a license to carry a handgun issued under this chapter.

20 (3) The name, address, and any other information that may be
 21 used to identify a person who holds a license to carry a handgun
 22 issued under this chapter.

23 (o) Notwithstanding subsection (n):

24 (1) any information concerning an applicant for or a person who
 25 holds a license to carry a handgun issued under this chapter may
 26 be released to a federal, state, or local government entity:

27 (A) for law enforcement purposes; or

28 (B) to determine the validity of a license to carry a handgun;

29 and

30 (2) general information concerning the issuance of licenses to
 31 carry handguns in Indiana may be released to a person conducting
 32 journalistic or academic research, but only if all personal
 33 information that could disclose the identity of any person who
 34 holds a license to carry a handgun issued under this chapter has
 35 been removed from the general information.

36 ~~(p) A person who holds a valid license to carry a handgun under this~~
 37 ~~chapter is licensed to carry a handgun in Indiana.~~

38 ~~(p)~~ (p) A person who knowingly or intentionally violates this section
 39 commits a Class B misdemeanor.

40 SECTION 68. IC 35-47-2-4, AS AMENDED BY P.L.175-2022,
 41 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2023]: Sec. 4. (a) Licenses to carry handguns ~~issued under~~



1 section 3 of this chapter shall be either qualified or unlimited, and
2 are valid for:

- 3 (1) five (5) years from the date of issue in the case of a five (5)
4 year license; or
5 (2) the life of the individual receiving the license in the case of a
6 lifetime license.

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

15 (b) There is no fee for a **qualified or unlimited** license. ~~to carry a~~
16 ~~handgun.~~ The superintendent shall charge a twenty dollar (\$20) fee for
17 the issuance of a duplicate license to replace a lost or damaged license.
18 This fee shall be deposited in accordance with subsection (c).

19 (c) Fees collected under this section shall be deposited in the state
20 general fund.

21 (d) The superintendent may not issue a lifetime **qualified license or**
22 **a lifetime unlimited** license to a person who is a resident of another
23 state. The superintendent may issue a five (5) year **qualified license or**
24 **a five (5) year unlimited** license to a person who is a resident of
25 another state and who has a regular place of business or employment
26 in Indiana as described in section 3(a)(3) of this chapter.

27 (e) A person who knowingly or intentionally violates this section
28 commits a Class B misdemeanor.

29 SECTION 69. IC 35-47-2-25 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2023]: **Sec. 25. (a) In an information or**
32 **indictment brought for the enforcement of any provision of this**
33 **chapter, it is not necessary to negate any exemption specified under**
34 **this chapter, or to allege the absence of a license required under**
35 **this chapter. The burden of proof is on the defendant to prove that**
36 **the defendant is exempt under section 2.2 of this chapter, or that**
37 **the defendant has a license as required under this chapter.**

38 (b) Whenever a person who has been arrested or charged with
39 a violation of section 1 of this chapter presents a valid license to the
40 prosecuting attorney or establishes that the person is exempt under
41 section 2.2 of this chapter, any prosecution for a violation of section
42 1 of this chapter shall be dismissed immediately, and all records of



1 **an arrest or proceedings following arrest shall be destroyed**
 2 **immediately.**

3 SECTION 70. IC 35-47-2.5-1, AS AMENDED BY P.L.175-2022,
 4 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2023]: Sec. 1. (a) Sections 2 through 5 of this chapter do not
 6 apply to the following:

7 (1) Transactions between persons who are licensed as firearms
 8 importers or collectors or firearms manufacturers or dealers under
 9 18 U.S.C. 923.

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

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

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

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

18 (2) there is a conflict between:

19 (A) a provision of this chapter; and

20 (B) a procedure required under the NICS;

21 the procedure required under the NICS prevails over the conflicting
 22 provision of this chapter.

23 SECTION 71. IC 35-47-2.5-4.5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2023]: **Sec. 4.5. (a) This section does not**
 26 **apply to:**

27 (1) **a law enforcement officer acting within the scope of the**
 28 **officer's official duties;**

29 (2) **active duty members of the armed forces of the United**
 30 **States acting within the scope of their official duties;**

31 (3) **any action or activity described in IC 35-47-10-1(b);**

32 (4) **the temporary transfer of a firearm to another person:**

33 (A) **while at a shooting range (as defined in**
 34 **IC 14-22-31.5-3);**

35 (B) **for the purpose of providing or receiving instruction**
 36 **during a firearms instructional course; or**

37 (C) **for the purpose of engaging in a legal hunting activity;**

38 (5) **the receipt of a firearm by a gunsmith or armorer for the**
 39 **purpose of repair or modification;**

40 (6) **the receipt of a firearm by a person who is:**

41 (A) **required to carry, handle, or transport a firearm as a**
 42 **result of a commercial or professional responsibility; and**



- 1 **(B) acting within the scope of the person's commercial or**
 2 **professional responsibilities at the time of the person's**
 3 **receipt, possession, or transfer of the firearm;**
 4 **(7) a dealer who is selling, trading, or transferring a firearm**
 5 **to another dealer; or**
 6 **(8) a person who transfers a firearm to a relative if the**
 7 **following conditions are met:**
 8 **(A) The transferor does not know or have reasonable cause**
 9 **to know that the recipient relative will use the firearm in**
 10 **the commission or furtherance of a crime.**
 11 **(B) The recipient relative is not prohibited from possessing**
 12 **a firearm under federal or state law.**
 13 **(C) If the firearm to be transferred is an NFA firearm, the**
 14 **transferor complies with:**
 15 **(i) IC 35-47-8.5; and**
 16 **(ii) all applicable federal laws concerning the transfer of**
 17 **an NFA firearm.**
 18 **(D) The transfer of the firearm is an intrastate transfer**
 19 **occurring between Indiana residents.**
 20 **(b) A person who wishes to sell, trade, or transfer a firearm to**
 21 **another person must:**
 22 **(1) transact the sale, trade, or transfer through a dealer; and**
 23 **(2) provide the dealer with:**
 24 **(A) the name, date of birth, and residential address of the**
 25 **seller of the firearm;**
 26 **(B) the name, date of birth, and residential address of the**
 27 **recipient of the firearm; and**
 28 **(C) any other information required by:**
 29 **(i) Form 4473 completed under section 3 of this chapter;**
 30 **or**
 31 **(ii) the dealer;**
 32 **for the purpose of submitting the respective identities of the**
 33 **seller and recipient to NICS.**
 34 **(c) A dealer must do the following before transacting any sale,**
 35 **trade, or transfer of a firearm between private parties:**
 36 **(1) Successfully contact NICS.**
 37 **(2) Receive authorization to complete the requested sale,**
 38 **trade, or transfer of the firearm from NICS before**
 39 **performing the requested sale, trade, or transfer.**
 40 **(3) Comply with all applicable federal laws concerning the**
 41 **requested sale, trade, or transfer of a firearm.**
 42 **(d) A dealer may:**



1 (1) charge a fee for the dealer's role in transacting the sale,
2 trade, or transfer of a firearm; and

3 (2) refuse to transact the sale, trade, or transfer of a firearm
4 for any reason.

5 If a dealer refuses to transact a sale, trade, or transfer, the dealer
6 must provide to the prospective recipient and prospective seller a
7 written explanation for the dealer's refusal to transact the
8 requested sale, trade, or transfer.

9 (e) Except as provided in subsections (f), (g), (h), and (i), a
10 dealer who refuses to transact the sale, trade, or transfer of a
11 firearm under subsection (d) must do the following:

12 (1) As soon as practicable, inform the seller and intended
13 recipient of the firearm of the dealer's decision to not transact
14 the sale, trade, or transfer of the firearm.

15 (2) Return any fee originally charged by the dealer for the
16 dealer's role in transacting the sale, trade, or transfer of the
17 firearm to the appropriate party or parties.

18 (3) Return the firearm to be sold, traded, or transferred to the
19 seller if:

20 (A) the firearm is in the dealer's control or possession at
21 the time the dealer refuses to transact the sale, trade, or
22 transfer of the firearm; and

23 (B) the seller is not otherwise prohibited under federal or
24 state law from possessing a firearm or NFA firearm, as
25 applicable.

26 (f) A dealer who discovers that the seller of a firearm is not
27 eligible, under federal or state law, to possess a firearm or an NFA
28 firearm, as applicable, must:

29 (1) comply with subsection (e)(1);

30 (2) maintain custody of the firearm;

31 (3) surrender the firearm to the state police not later than
32 twenty-four (24) hours after learning of the seller's inability
33 to possess the firearm or NFA firearm, as applicable; and

34 (4) comply with all applicable federal laws concerning the
35 transfer of a firearm.

36 A dealer who is unable to transact the sale, trade, or transfer of a
37 firearm due to the inability of the seller to possess a firearm or
38 NFA firearm, as applicable, is not required to return any fee
39 originally charged to the seller for the dealer's role in the
40 attempted transaction.

41 (g) A dealer who discovers that the intended recipient of a
42 firearm is not eligible, under federal or state law, to possess a



1 firearm or an NFA firearm, as applicable, must:

- 2 (1) comply with subsection (e)(1);
 3 (2) maintain custody of the firearm;
 4 (3) return the firearm to the seller as soon as practicable if the
 5 seller is not otherwise prohibited under federal or state law
 6 from possessing the firearm or NFA firearm, as applicable;
 7 and
 8 (4) comply with all applicable federal laws concerning the
 9 transfer of a firearm.

10 A dealer who is unable to transact the sale, trade, or transfer of a
 11 firearm due to the inability of the intended recipient to possess a
 12 firearm or NFA firearm, as applicable, is not required to return
 13 any fee originally charged to the intended recipient for the dealer's
 14 role in the attempted transaction.

15 (h) A dealer who discovers that the seller of a firearm and the
 16 intended recipient of the firearm are not eligible, under federal or
 17 state law, to possess a firearm or an NFA firearm, as applicable,
 18 must:

- 19 (1) comply with subsection (e)(1);
 20 (2) maintain custody of the firearm;
 21 (3) surrender the firearm to the state police not later than
 22 twenty-four (24) hours after learning of the seller's and
 23 intended recipient's ineligibility to possess a firearm or NFA
 24 firearm, as applicable; and
 25 (4) comply with all applicable federal laws concerning the
 26 transfer of a firearm.

27 A dealer who is unable to transact the sale, trade, or transfer of a
 28 firearm due to the inability of the seller and the intended recipient
 29 to possess a firearm or NFA firearm, as applicable, is not required
 30 to return any fee originally charged to the seller or the recipient
 31 for the dealer's role in the attempted transaction.

32 (i) A dealer who discovers that a firearm to be sold, traded, or
 33 transferred has been:

- 34 (1) reported:
 35 (A) lost; or
 36 (B) stolen; or
 37 (2) used in the commission of a crime;

38 must comply with subsection (e)(1), maintain custody of the
 39 firearm, and surrender the firearm to the state police not later
 40 than twenty-four (24) hours after learning of the firearm's lost,
 41 stolen, or criminal activity status and comply with all applicable
 42 federal laws concerning the transfer of a firearm. A dealer who is



1 unable to transact the sale, trade, or transfer of a firearm due to
 2 the lost, stolen, or criminal activity status of a firearm to be sold,
 3 traded, or transferred is not required to return any fee originally
 4 charged to the seller or intended recipient for the dealer's role in
 5 the attempted transaction.

6 (j) A dealer who:

7 (1) refuses to transact the sale, trade, or transfer of a firearm
 8 under subsection (d)(2) and complies with subsection (e); or

9 (2) aborts the sale, trade, or transfer of a firearm for a
 10 reason:

11 (A) described in subsection (f), (g), (h), or (i); or

12 (B) required under federal or state law;

13 shall be immune from civil liability and damages, including
 14 punitive damages, for any act or omission related to the dealer's
 15 decision to terminate a firearm sale, trade, or transfer described in
 16 subdivisions (1) and (2). If a dealer is not liable under this
 17 subsection, no person, by reason of an agency relationship with the
 18 dealer, may be held liable for any damages, including punitive
 19 damages, related to a terminated sale, trade, or transfer of a
 20 firearm.

21 (k) A person who knowingly or intentionally makes a materially
 22 false statement to a dealer for the purpose of completing a
 23 transaction described in this section commits firearm transfer
 24 fraud, a Level 6 felony. However, the offense is a Level 5 felony if
 25 the person has a prior unrelated conviction under this subsection.

26 (l) A dealer or person who knowingly or intentionally transacts
 27 the sale, trade, or transfer of a firearm:

28 (1) without:

29 (A) contacting NICS; or

30 (B) having a dealer contact NICS on the person's behalf;
 31 as applicable;

32 (2) without receiving authorization from NICS to proceed
 33 with the requested sale, trade, or transfer of the firearm
 34 before transacting the requested sale, trade, or transfer of the
 35 firearm; or

36 (3) in violation of a NICS instruction to terminate the
 37 requested sale, trade, or transfer of the firearm;

38 commits unlawful transfer of a firearm, a Level 6 felony. However,
 39 the offense is a Level 5 felony if the dealer or person, as applicable,
 40 has a prior unrelated conviction for an offense under this
 41 subsection.

42 (m) It is a defense to a prosecution under subsection (l) that a



1 dealer or person, as applicable, received authorization from NICS
2 to transact a sale, trade, or transfer of a firearm.

3 SECTION 72. IC 35-47-4-10 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2023]: **Sec. 10. A licensed importer, licensed
6 manufacturer, licensed dealer, or licensed collector may not sell or
7 deliver a firearm that is not a handgun to a person who is less than
8 twenty-one (21) years of age.**

9 SECTION 73. IC 35-47-5.5 IS ADDED TO THE INDIANA CODE
10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2023]:

12 **Chapter 5.5. Regulation of Assault Weapons**

13 **Sec. 1. (a) As used in this chapter and except as provided in
14 subsection (b), "barrel shroud" means a shroud that is:**

- 15 (1) attached to; or
16 (2) partially or completely encircles;

17 the barrel of a firearm so that the shroud protects the user of the
18 firearm from heat generated by the barrel.

19 (b) The term does not include:

- 20 (1) a slide that partially or completely encloses the barrel; or
21 (2) an extension of the stock along the bottom of the barrel
22 which does not encircle or substantially encircle the barrel.

23 **Sec. 2. As used in this chapter, "belt fed semiautomatic firearm"
24 means a repeating firearm that:**

- 25 (1) uses a portion of the energy of a firing cartridge to:
26 (A) extract the fired cartridge case; and
27 (B) chamber the next round;
28 (2) requires a separate pull of the trigger to fire each
29 cartridge; and
30 (3) has the capacity to accept a belt ammunition feeding
31 device.

32 **Sec. 3. As used in this chapter, "detachable magazine" means an
33 ammunition feeding device that can be removed from a firearm
34 without disassembly of the firearm action.**

35 **Sec. 4. As used in this chapter, "fixed magazine" means an
36 ammunition feeding device that is permanently fixed to the firearm
37 in such a manner that it cannot be removed without disassembly of
38 the firearm.**

39 **Sec. 5. As used in this chapter, "folding, telescoping, or
40 detachable stock" means a stock that folds, telescopes, detaches, or
41 otherwise operates to:**

- 42 (1) reduce the length, size, or any other dimension of; or



1 (2) otherwise enhance the ability to conceal;
2 a firearm.

3 Sec. 6. As used in this chapter, "forward grip" means a grip
4 located forward of the trigger that functions as a pistol grip.

5 Sec. 7. As used in this chapter, "grenade launcher" means an
6 attachment for use on a firearm that is designed to propel a
7 grenade or other similar destructive device.

8 Sec. 8. As used in this chapter, "licensed importer, licensed
9 manufacturer, licensed dealer, or licensed collector" has the
10 meaning set forth in 18 U.S.C. 921(a) corresponding to each term,
11 as applicable.

12 Sec. 9. As used in this chapter, "pistol grip" means a grip, a
13 thumbhole stock or Thordsen-type grip or stock, or any other
14 characteristic that can function as a grip.

15 Sec. 10. As used in this chapter, "semiautomatic assault
16 weapon" means any of the following, regardless of the country of
17 manufacture or the caliber of ammunition accepted:

18 (1) A semiautomatic rifle that has the capacity to accept a
19 detachable magazine and at least one (1) of the following:

20 (A) A pistol grip.

21 (B) A forward grip.

22 (C) A folding, telescoping, or detachable stock.

23 (D) A capability to be otherwise foldable or adjustable in
24 a manner that:

25 (i) operates to reduce the length, size, or any other
26 dimension of; or

27 (ii) otherwise enhances the ability to conceal;
28 the weapon.

29 (E) A grenade launcher.

30 (F) A barrel shroud.

31 (G) A threaded barrel.

32 (2) A semiautomatic rifle that has a fixed magazine with the
33 capacity to accept more than ten (10) rounds. This subdivision
34 does not include an attached tubular device that is:

35 (A) designed to accept; and

36 (B) capable of operating only with;

37 .22 caliber rimfire ammunition.

38 (3) A part, combination of parts, component, device,
39 attachment, or accessory that:

40 (A) is designed; or

41 (B) functions;

42 to accelerate the rate of fire of a semiautomatic rifle but not



1 convert the semiautomatic rifle into a machine gun.

2 (4) A semiautomatic pistol that has the capacity to accept a
3 detachable magazine and:

4 (A) has:

5 (i) a threaded barrel;

6 (ii) a second pistol grip;

7 (iii) a barrel shroud;

8 (iv) the capacity to accept a detachable magazine at some
9 location outside of the pistol grip;

10 (v) a manufactured weight of fifty (50) ounces or more
11 when unloaded; or

12 (vi) a stabilizing brace or similar component; or

13 (B) is a semiautomatic version of an automatic firearm.

14 (5) A semiautomatic pistol with a fixed magazine that has the
15 capacity to accept more than ten (10) rounds.

16 (6) A semiautomatic shotgun that has at least one (1) of the
17 following:

18 (A) A folding, telescoping, or detachable stock.

19 (B) A pistol grip.

20 (C) A fixed magazine with the capacity to accept more than
21 five (5) rounds.

22 (D) The ability to accept a detachable magazine.

23 (E) A forward grip.

24 (F) A grenade launcher.

25 (7) A shotgun with a revolving cylinder.

26 (8) A belt fed semiautomatic firearm.

27 (9) Any combination of parts from which a firearm described
28 in subdivisions (1) through (8) can be assembled.

29 Sec. 11. As used in this chapter, "semiautomatic pistol" means
30 a repeating pistol that:

31 (1) uses a portion of the energy of a firing cartridge to:

32 (A) extract the fired cartridge case; and

33 (B) chamber the next round; and

34 (2) requires a separate pull of the trigger to fire each
35 cartridge.

36 Sec. 12. As used in this chapter, "semiautomatic rifle" means a
37 repeating rifle that:

38 (1) uses a portion of the energy of a firing cartridge to:

39 (A) extract the fired cartridge case; and

40 (B) chamber the next round; and

41 (2) requires a separate pull of the trigger to fire each
42 cartridge.



1 **Sec. 13. As used in this chapter, "semiautomatic shotgun"**
 2 **means a repeating shotgun that:**

3 **(1) uses a portion of the energy of a firing cartridge to:**

4 **(A) extract the fired cartridge case; and**

5 **(B) chamber the next round; and**

6 **(2) requires a separate pull of the trigger to fire each**
 7 **cartridge.**

8 **Sec. 14. As used in this chapter, "threaded barrel" means a**
 9 **feature or characteristic that is designed to allow for the**
 10 **attachment of a device such as a firearm silencer or a flash**
 11 **suppressor.**

12 **Sec. 15. A licensed importer, licensed manufacturer, licensed**
 13 **dealer, or licensed collector may not sell or deliver a semiautomatic**
 14 **assault weapon.**

15 SECTION 74. IC 35-47-11.1-4, AS AMENDED BY P.L.175-2022,
 16 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2023]: Sec. 4. This chapter may not be construed to prevent
 18 any of the following:

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

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

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

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

40 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a
 41 provision prohibiting or restricting the possession of a firearm in
 42 any building that contains the courtroom of a circuit, superior,



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



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

15 However, except as provided in subdivision (5) concerning a

16 building that contains a courtroom, a unit may not prohibit or

17 restrict the possession of a handgun under this subdivision in a

18 building owned or administered by the unit if the person who

19 possesses the handgun ~~is not otherwise prohibited from carrying~~

20 ~~or possessing a handgun.~~ **has been issued a valid license to**

21 **carry the handgun under IC 35-47-2.**

22 SECTION 75. IC 35-50-2-13, AS AMENDED BY P.L.175-2022,

23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

24 JULY 1, 2023]: Sec. 13. (a) The state may seek, on a page separate

25 from the rest of a charging instrument, to have a person who allegedly

26 committed an offense of dealing in a controlled substance under

27 IC 35-48-4-1 through IC 35-48-4-4 sentenced to an additional fixed

28 term of imprisonment if the state can show beyond a reasonable doubt

29 that the person knowingly or intentionally:

- 30 (1) used a firearm; or
- 31 (2) possessed a:
- 32 (A) handgun in violation of ~~IC 35-47-2-1.5~~; **IC 35-47-2-1**;
- 33 (B) sawed-off shotgun in violation of federal law; or
- 34 (C) machine gun in violation of IC 35-47-5-8;
- 35 while committing the offense.
- 36 (b) If the person was convicted of the offense in a jury trial, the jury
- 37 shall reconvene to hear evidence in the enhancement hearing. If the
- 38 trial was to the court, or the judgment was entered on a guilty plea, the
- 39 court alone shall hear evidence in the enhancement hearing.
- 40 (c) If the jury (if the hearing is by jury) or the court (if the hearing
- 41 is to the court alone) finds that the state has proved beyond a
- 42 reasonable doubt that the person knowingly or intentionally committed



1 an offense as described in subsection (a), the court may sentence the
2 person to an additional fixed term of imprisonment of not more than
3 five (5) years, except as follows:
4 (1) If the firearm is a sawed-off shotgun, the court may sentence
5 the person to an additional fixed term of imprisonment of not
6 more than ten (10) years.
7 (2) If the firearm is a machine gun or is equipped with a firearm
8 silencer or firearm muffler, the court may sentence the person to
9 an additional fixed term of imprisonment of not more than twenty
10 (20) years. The additional sentence under this subdivision is in
11 addition to any additional sentence imposed under section 11 of
12 this chapter for use of a firearm in the commission of an offense.

