

SENATE BILL No. 86

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-185; IC 35-47.

Synopsis: Handgun training. Requires a person who applies after December 31, 2016, for a license to carry a handgun to first complete an eight hour handgun safety and training program, unless the person is a law enforcement officer, a retired law enforcement officer, or an active or honorably discharged member of the armed forces of the United States.

Effective: July 1, 2016.

Breaux

January 5, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 86

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

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

1 SECTION 1. IC 35-31.5-2-185, AS AMENDED BY P.L.238-2015,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 185. (a) "Law enforcement officer" means:
4 (1) a police officer (including a correctional police officer),
5 sheriff, constable, marshal, prosecuting attorney, special
6 prosecuting attorney, special deputy prosecuting attorney, the
7 securities commissioner, or the inspector general;
8 (2) a deputy of any of those persons;
9 (3) an investigator for a prosecuting attorney or for the inspector
10 general;
11 (4) a conservation officer;
12 (5) an enforcement officer of the alcohol and tobacco
13 commission;
14 (6) an enforcement officer of the securities division of the office
15 of the secretary of state; or
16 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
17 control officer employed by the gaming control division under



1 IC 4-33-20.

2 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,
3 includes an alcoholic beverage enforcement officer, as set forth in
4 IC 35-42-2-1.

5 (c) "Law enforcement officer", for purposes of IC 35-45-15,
6 includes a federal enforcement officer, as set forth in IC 35-45-15-3.

7 (d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and
8 IC 35-44.1-3-2, includes a school resource officer (as defined in
9 IC 20-26-18.2-1) and a school corporation police officer appointed
10 under IC 20-26-16.

11 **(e) "Law enforcement officer", for purposes of IC 35-47-15-3,**
12 **means a person described in subsections (a) through (d).**

13 SECTION 2. IC 35-47-2-3, AS AMENDED BY P.L.158-2013,
14 SECTION 574, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A person desiring a license
16 to carry a handgun shall apply:

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

27 The superintendent and local law enforcement agencies shall allow an
28 applicant desiring to obtain or renew a license to carry a handgun to
29 submit an application electronically under this chapter if funds are
30 available to establish and maintain an electronic application system.

31 (b) The law enforcement agency which accepts an application for a
32 handgun license shall collect the following application fees:

- 33 (1) From a person applying for a four (4) year handgun license, a
34 ten dollar (\$10) application fee, five dollars (\$5) of which shall be
35 refunded if the license is not issued.
36 (2) From a person applying for a lifetime handgun license who
37 does not currently possess a valid Indiana handgun license, a fifty
38 dollar (\$50) application fee, thirty dollars (\$30) of which shall be
39 refunded if the license is not issued.
40 (3) From a person applying for a lifetime handgun license who
41 currently possesses a valid Indiana handgun license, a forty dollar
42 (\$40) application fee, thirty dollars (\$30) of which shall be



1 refunded if the license is not issued.

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

11 (e) The officer to whom the application is made shall ascertain the
12 applicant's name, full address, length of residence in the community,
13 whether the applicant's residence is located within the limits of any city
14 or town, the applicant's occupation, place of business or employment,
15 criminal record, if any, and convictions (minor traffic offenses
16 excepted), age, race, sex, nationality, date of birth, citizenship, height,
17 weight, build, color of hair, color of eyes, scars and marks, whether the
18 applicant has previously held an Indiana license to carry a handgun
19 and, if so, the serial number of the license and year issued, whether the
20 applicant's license has ever been suspended or revoked, and if so, the
21 year and reason for the suspension or revocation, and the applicant's
22 reason for desiring a license.

23 (c) An applicant for a license to carry a handgun shall submit
24 the following information to the appropriate law enforcement
25 officer or superintendent under subsection (a):

26 (1) The applicant's name, full address, length of residence in
27 the community, and whether the applicant's residence is
28 located within the limits of any city or town.

29 (2) The applicant's occupation and place of business or
30 employment.

31 (3) The applicant's criminal record, if any, and convictions
32 (except for minor traffic offenses).

33 (4) The applicant's age, race, sex, nationality, date of birth,
34 citizenship, height, weight, build, color of hair, color of eyes,
35 scars, and marks.

36 (5) Whether the applicant has previously held an Indiana
37 license to carry a handgun issued under this chapter and, if
38 so:

39 (A) the serial number of the license and the year the license
40 was issued;

41 (B) whether the applicant's license has ever been
42 suspended or revoked; and



- 1 (C) if the applicant's license has ever been suspended or
 2 revoked, the year of and the reason for the suspension or
 3 revocation.
 4 **(6) For an application submitted after December 31, 2016:**
 5 **(A) a certificate signifying that the person has successfully**
 6 **completed a handgun safety and training program that**
 7 **meets the requirements set forth in section 3.5 of this**
 8 **chapter; or**
 9 **(B) documentary evidence that the person is exempt under**
 10 **section 3.5(d) of this chapter from the handgun safety and**
 11 **training program requirement because the person is a law**
 12 **enforcement officer, a retired law enforcement officer, or**
 13 **an active or honorably discharged member of the armed**
 14 **forces of the United States. The state police department**
 15 **shall determine what documentary evidence is sufficient to**
 16 **establish an exemption under this clause.**

17 The **law enforcement** officer to whom the application is made **or the**
 18 **superintendent** shall conduct an investigation into the applicant's
 19 official records ~~and to verify thereby~~ the applicant's character and
 20 reputation. ~~and shall in addition~~ **If a law enforcement officer**
 21 **conducts the investigation, the officer shall** verify for accuracy the
 22 information contained in the application and ~~shall forward this the~~
 23 information together with the officer's recommendation for approval or
 24 disapproval and one (1) set of legible and classifiable fingerprints of
 25 the applicant to the superintendent.

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

- 32 (e) If it appears to the superintendent that the applicant:
 33 (1) has a proper reason for carrying a handgun;
 34 (2) is of good character and reputation;
 35 (3) is a proper person to be licensed; and
 36 (4) is:
 37 (A) a citizen of the United States; or
 38 (B) not a citizen of the United States but is allowed to carry a
 39 firearm in the United States under federal law;
 40 the superintendent shall issue to the applicant a qualified or an
 41 unlimited license to carry any handgun lawfully possessed by the
 42 applicant. The original license shall be delivered to the licensee. A



1 copy shall be delivered to the officer to whom the application for
 2 license was made. A copy shall be retained by the superintendent for
 3 at least four (4) years in the case of a four (4) year license. The
 4 superintendent may adopt guidelines to establish a records retention
 5 policy for a lifetime license. A four (4) year license shall be valid for
 6 a period of four (4) years from the date of issue. A lifetime license is
 7 valid for the life of the individual receiving the license. The license of
 8 police officers, sheriffs or their deputies, and law enforcement officers
 9 of the United States government who have been honorably retired by
 10 a lawfully created pension board or its equivalent after twenty (20) or
 11 more years of service shall be valid for the life of these individuals.
 12 However, a lifetime license is automatically revoked if the license
 13 holder does not remain a proper person.

14 (f) At the time a license is issued and delivered to a licensee under
 15 subsection (e), the superintendent shall include with the license
 16 information concerning handgun safety rules that:

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

19 (2) is:

20 (A) recommended by a nonprofit educational organization that
 21 is dedicated to providing education on safe handling and use
 22 of firearms;

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

24 (C) approved by the superintendent.

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

31 (g) A license to carry a handgun shall not be issued to any person
 32 who:

33 (1) has been convicted of a felony;

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

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

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

40 (5) has been arrested for a Class A or Class B felony for an
 41 offense committed before July 1, 2014, for a Level 1, Level 2,
 42 Level 3, or Level 4 felony for an offense committed after June 30,



- 1 2014, or any other felony that was committed while armed with
 2 a deadly weapon or that involved the use of violence, if a court
 3 has found probable cause to believe that the person committed the
 4 offense charged.
- 5 In the case of an arrest under subdivision (5), a license to carry a
 6 handgun may be issued to a person who has been acquitted of the
 7 specific offense charged or if the charges for the specific offense are
 8 dismissed. The superintendent shall prescribe all forms to be used in
 9 connection with the administration of this chapter.
- 10 (h) If the law enforcement agency that charges a fee under
 11 subsection (b) is a city or town law enforcement agency, the fee shall
 12 be deposited in the law enforcement continuing education fund
 13 established under IC 5-2-8-2.
- 14 (i) If a person who holds a valid license to carry a handgun issued
 15 under this chapter:
- 16 (1) changes the person's name;
 17 (2) changes the person's address; or
 18 (3) experiences a change, including an arrest or a conviction, that
 19 may affect the person's status as a proper person (as defined in
 20 IC 35-47-1-7) or otherwise disqualify the person from holding a
 21 license;
- 22 the person shall, not later than thirty (30) days after the date of a
 23 change described under subdivision (3), and not later than sixty (60)
 24 days after the date of the change described under subdivision (1) or (2),
 25 notify the superintendent, in writing, of the event described under
 26 subdivision (3) or, in the case of a change under subdivision (1) or (2),
 27 the person's new name or new address.
- 28 (j) The state police shall indicate on the form for a license to carry
 29 a handgun the notification requirements of subsection (i).
- 30 (k) The state police department shall adopt rules under IC 4-22-2 to
 31 implement an electronic application system under subsection (a). Rules
 32 adopted under this section must require the superintendent to keep on
 33 file one (1) set of classifiable and legible fingerprints from every
 34 person who has received a license to carry a handgun so that a person
 35 who applies to renew a license will not be required to submit an
 36 additional set of fingerprints.
- 37 (l) Except as provided in subsection (m), for purposes of
 38 IC 5-14-3-4(a)(1), the following information is confidential, may not
 39 be published, and is not open to public inspection:
- 40 (1) Information submitted by a person under this section to:
- 41 (A) obtain; or
 42 (B) renew;



- 1 a license to carry a handgun.
 2 (2) Information obtained by a federal, state, or local government
 3 entity in the course of an investigation concerning a person who
 4 applies to:
 5 (A) obtain; or
 6 (B) renew;
 7 a license to carry a handgun issued under this chapter.
 8 (3) The name, address, and any other information that may be
 9 used to identify a person who holds a license to carry a handgun
 10 issued under this chapter.
 11 (m) Notwithstanding subsection (l):
 12 (1) any information concerning an applicant for or a person who
 13 holds a license to carry a handgun issued under this chapter may
 14 be released to a federal, state, or local government entity:
 15 (A) for law enforcement purposes; or
 16 (B) to determine the validity of a license to carry a handgun;
 17 and
 18 (2) general information concerning the issuance of licenses to
 19 carry handguns in Indiana may be released to a person conducting
 20 journalistic or academic research, but only if all personal
 21 information that could disclose the identity of any person who
 22 holds a license to carry a handgun issued under this chapter has
 23 been removed from the general information.
 24 (n) A person who knowingly or intentionally violates this section
 25 commits a Class B misdemeanor.
 26 SECTION 3. IC 35-47-2-3.5 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 2016]: **Sec. 3.5. (a) Except as provided in subsection (d), a person
 29 who applies after December 31, 2016, for a license to carry a
 30 handgun must:**
 31 **(1) successfully complete a handgun safety and training**
 32 **program that meets the requirements of this section; and**
 33 **(2) certify under section 3(c)(6)(A) of this chapter the person's**
 34 **successful completion of a handgun safety and training**
 35 **program;**
 36 **before a license to carry a handgun may be issued to the applicant**
 37 **under this chapter.**
 38 **(b) A handgun safety and training program must meet the**
 39 **following requirements:**
 40 **(1) The program must consist of at least eight (8) hours of**
 41 **instruction, as specified in this section.**
 42 **(2) The:**



- 1 (A) program must be certified by the National Rifle
2 Association; and
3 (B) instructor must be certified by the National Rifle
4 Association as qualified to teach an eight (8) hour handgun
5 safety and training program.
6 (3) The program must provide at least five (5) hours of
7 instruction in the following:
8 (A) The safe storage, use, and handling of a handgun,
9 including safe storage, use, and handling to protect child
10 safety.
11 (B) Knowledge of ammunition.
12 (C) Handgun firing positions.
13 (D) Firearms and the law, including civil liability issues
14 and the use of deadly force. The instruction in the subject
15 described in this clause must be provided by an attorney or
16 a person trained in the use of deadly force.
17 (E) Avoiding a criminal attack and controlling a violent
18 confrontation.
19 (F) All laws that apply to carrying a concealed handgun in
20 Indiana.
21 (4) The program must:
22 (A) provide at least three (3) hours of instruction on a
23 firing range; and
24 (B) require the firing of at least forty-five (45) rounds of
25 ammunition.
26 (5) The program must provide to a person who successfully
27 completes the program a certificate of completion stating
28 that:
29 (A) the program complies with this section; and
30 (B) the person has successfully completed the program.
31 The certificate must contain the printed name and signature
32 of the instructor who instructed the person.
33 (c) A person who grants a certificate of completion described in
34 subsection (b)(5) to an individual knowing that the individual did
35 not satisfactorily complete the program commits a Level 6 felony.
36 (d) The following individuals are not required to complete the
37 handgun safety and training program described in this section:
38 (1) A law enforcement officer (as defined in IC 35-47-15-3).
39 (2) A retired law enforcement officer who is authorized to
40 carry a concealed weapon under IC 35-47-15.
41 (3) An active or honorably discharged member of the armed
42 forces of the United States (as defined in IC 10-18-9-1).



1 **A person described in this subsection who applies after December**
2 **31, 2016, for a license to carry a handgun must submit**
3 **documentary evidence showing that the person is exempt from the**
4 **requirement to complete the handgun safety and training program**
5 **under section 3(c)(6)(B) of this chapter if the person wishes to**
6 **claim the exemption.**

7 **(e) A person described in subsection (d) may, at that person's**
8 **discretion, participate in the handgun safety and training program**
9 **and obtain a license to carry a handgun on the same basis as a**
10 **person not described in subsection (d).**

11 SECTION 4. IC 35-47-15-3, AS AMENDED BY P.L.114-2012,
12 SECTION 143, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this chapter, "law
14 enforcement officer" has the meaning set forth in ~~IC 35-31.5-2-185.~~
15 **IC 35-31.5-2-185(e).** The term includes an arson investigator employed
16 by the office of the state fire marshal.

