

SENATE BILL No. 426

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-4-8.

Synopsis: Open carry of rifles. Defines "prohibited weapon" as a centerfire rifle with an internal magazine or the ability to accept a detachable magazine and at least one of the following characteristics: (1) A pistol grip that protrudes beneath the action of the weapon. (2) A thumb hole stock. (3) A folding or telescoping stock. (4) A mount or lug capable of accepting or affixing a bayonet, flare launcher, or grenade launcher. (5) A flash suppressor. (6) A forward pistol grip. Defines "openly carries" as the carrying of a firearm in a manner that displays or presents any part of a firearm to the plain view of passersby from more than one angle. Provides that a person who: (1) knowingly or intentionally; and (2) openly carries; a prohibited weapon in a public place or place of public resort commits carrying a prohibited firearm, a Class A misdemeanor. Specifies certain exceptions. Defines certain terms.

Effective: July 1, 2017.

Taylor G

January 12, 2017, read first time and referred to Committee on Judiciary.



First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 426

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

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

1 SECTION 1. IC 35-47-4-8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]: **Sec. 8. (a) The following definitions apply throughout this**
4 **section:**

5 (1) "Centerfire rifle" means a rifle capable of firing a
6 projectile from a metallic cartridge containing the primer in
7 the center of the cartridge case head.

8 (2) "Magazine" means any ammunition feeding and storage
9 device within or attachable to a firearm.

10 (3) "Openly carries" means the carrying of a prohibited
11 weapon on or about one's person in a manner that exposes or
12 presents any part of a firearm to the plain view of passersby
13 from more than one (1) angle.

14 (4) "Prohibited weapon" means a semiautomatic, centerfire
15 rifle with an internal magazine or the ability to accept a
16 detachable magazine and at least one (1) of the following
17 characteristics:



- 1 (A) A pistol grip that protrudes beneath the action of the
2 weapon.
3 (B) A thumb hole stock.
4 (C) A folding or telescoping stock.
5 (D) A mount or lug capable of accepting or affixing a:
6 (i) bayonet;
7 (ii) flare launcher; or
8 (iii) grenade launcher.
9 (E) A flash suppressor.
10 (F) A forward pistol grip.
- 11 (5) "Public place" means a place that is:
12 (A) accessible to the public; and
13 (B) open to common and general use, participation, and
14 enjoyment.
- 15 (6) "Rifle" means a weapon intended to be fired from the
16 shoulder and:
17 (A) designed or redesigned; or
18 (B) made or remade;
19 to use the energy of an explosive in a fixed metallic cartridge
20 to fire a single projectile through a rifled bore for each pull of
21 the trigger.
- 22 (b) Except as provided in subsection (c), a person who:
23 (1) knowingly or intentionally; and
24 (2) openly carries;
25 a prohibited weapon while present in a public place commits
26 carrying a prohibited firearm, a Class A misdemeanor. However,
27 the offense is a Level 6 felony if the person has a prior, unrelated
28 conviction under this section.
- 29 (c) This section does not apply to the following individuals:
30 (1) Law enforcement officers while acting within the scope of
31 their official duties.
32 (2) Active duty members of the armed forces of the United
33 States while acting within the scope of their official duties.
34 (3) Any person who carries a prohibited weapon while on
35 property that is owned, leased, rented, or otherwise legally
36 controlled by the person.
37 (4) Any person who carries a prohibited weapon while
38 lawfully present on property that is owned, leased, rented, or
39 otherwise legally controlled by another person, if the person:
40 (A) has the consent of the lessor, owner, renter, or person
41 who legally controls the property to have the prohibited
42 weapon on the premises;



- 1 **(B) is attending a firearms related event on the property,**
 2 **including a gun show, firearms expo, gun owner's club or**
 3 **convention, hunting club, shooting club, or training course;**
 4 **or**
 5 **(C) is on the property to receive firearms related services,**
 6 **including the repair, maintenance, or modification of the**
 7 **prohibited weapon.**
- 8 **(5) Any person who carries a prohibited weapon in a vehicle**
 9 **that is owned, leased, rented, or otherwise legally controlled**
 10 **by the person, if the prohibited weapon is:**
- 11 **(A) unloaded;**
 12 **(B) not readily accessible; and**
 13 **(C) secured in a case.**
- 14 **(6) Any person who carries a prohibited weapon while**
 15 **lawfully present in a vehicle that is leased, owned, rented, or**
 16 **otherwise legally controlled by another person and the**
 17 **prohibited weapon is:**
- 18 **(A) unloaded;**
 19 **(B) not readily accessible; and**
 20 **(C) secure in a case.**
- 21 **(7) Any person who carries a prohibited weapon while:**
 22 **(A) at a shooting range (as defined in IC 14-22-31.5-3);**
 23 **(B) attending a firearms instructional course; or**
 24 **(C) engaged in a legal hunting activity.**
- 25 **(8) Any person who:**
 26 **(A) is required to carry, handle, or transport a prohibited**
 27 **weapon as a result of commercial or professional**
 28 **responsibilities; and**
 29 **(B) acts within the scope of the person's commercial or**
 30 **professional responsibilities at the time the person openly**
 31 **carries the prohibited weapon.**
- 32 **(d) It is not a defense to a prosecution under this section that the**
 33 **prohibited weapon was:**
 34 **(1) inoperable; or**
 35 **(2) unloaded;**
 36 **at the time of arrest.**

