

HOUSE BILL No. 1211

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-3-10; IC 5-2-1-9; IC 11-13-1-3.5; IC 14-16-1-23; IC 31-30-1-4; IC 35-33-1-1; IC 35-47.

Synopsis: Constitutional carry of firearms. Allows a member of the: (1) general assembly; (2) general assembly's professional staff; or (3) lobby registration commission; to possess a handgun on the Indiana government center campus if the person is not otherwise prohibited from possessing a firearm. Repeals the law that requires a person to obtain a license to carry a handgun in Indiana. Provides that a nonresident of Indiana may carry a handgun in Indiana without possessing a license or permit to carry a handgun from the person's state of residence. Allows a person who wishes to carry a handgun in another state under a reciprocity agreement entered into by Indiana and another state to obtain a license to carry a handgun. Permits a person not otherwise prohibited from possessing a firearm under state or federal law to possess a firearm on any property that is: (1) affiliated with; (2) operated or managed by; (3) owned by; or (4) leased by; the department of natural resources. Makes a technical correction. Defines certain terms. Makes conforming amendments.

Effective: July 1, 2020.

Nisly

January 16, 2020, read first time and referred to Committee on Public Policy.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1211

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 2-3-10-1, AS ADDED BY P.L.181-2017,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 1. The following definitions apply throughout this
4 chapter:

- 5 (1) "Governing authority" means:
- 6 (A) the speaker of the house of representatives, with respect to
- 7 employees of the house of representatives;
- 8 (B) the president pro tempore of the senate, with respect to
- 9 employees of the senate;
- 10 (C) the legislative council, with respect to employees of the
- 11 legislative services agency; or
- 12 (D) the Indiana lobby registration commission established
- 13 under IC 2-7-1.6-1, with respect to employees of the Indiana
- 14 lobby registration commission.

15 (2) "**Indiana government center campus**" means the
16 following:

- 17 (A) **The state capitol building.**



- 1 **(B) The Indiana government center-north.**
 2 **(C) The Indiana government center-south.**
 3 **(D) The state library.**
 4 **(E) The Washington Street garage.**
 5 **(F) The Senate Avenue garage.**
 6 **(G) The Indiana historical society building and parking lot.**
 7 **(H) The land adjacent to the buildings described in clauses**
 8 **(A) through (G) if owned and controlled by the state.**
 9 (2) **(3)** "Professional staff of the general assembly" means a
 10 permanent employee of the house of representatives, senate,
 11 Indiana lobby registration commission, or legislative services
 12 agency whose primary function is:
 13 (A) assisting members of the general assembly in
 14 communicating with constituents and responding to
 15 constituent concerns;
 16 (B) advising members of the general assembly concerning the
 17 preparation, analysis, fiscal impact, and policy implications of
 18 proposed legislation;
 19 (C) preparing, printing, distributing, editing, or revising
 20 proposed legislation and amendments to proposed legislation;
 21 (D) performing administrative and clerical functions necessary
 22 to the operation of the general assembly, including providing
 23 travel and payroll services;
 24 (E) providing technology support to the general assembly or an
 25 employee of the general assembly; or
 26 (F) carrying out the duties of the Indiana lobby registration
 27 commission.
 28 The term includes officers of the house of representatives and of
 29 the senate, and any person whose primary function is to supervise
 30 a person described in clauses (A) through (E).
 31 SECTION 2. IC 2-3-10-2, AS ADDED BY P.L.181-2017,
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2020]: Sec. 2. A member of the general assembly who
 34 (1) ~~possesses a valid Indiana license to carry a handgun; and~~
 35 (2) is otherwise permitted to possess a handgun
 36 has the right to carry a handgun within the state capitol building and on
 37 the property of the ~~state capitol complex.~~ **Indiana government center**
 38 **campus.**
 39 SECTION 3. IC 2-3-10-3, AS ADDED BY P.L.181-2017,
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2020]: Sec. 3. (a) Subject to governing authority rules and
 42 policies concerning personnel practices, a member of the professional



1 staff of the general assembly who

2 ~~(1) possesses a valid Indiana license to carry a handgun; and~~

3 ~~(2) is otherwise permitted to possess a handgun~~

4 has the right to carry a handgun within the state capitol building and on
5 the property of the ~~state capitol complex~~. **Indiana government center**
6 **campus.**

7 (b) A member of the Indiana lobby registration commission
8 established under IC 2-7-1.6-1 who

9 ~~(1) possesses a valid Indiana license to carry a handgun; and~~

10 ~~(2) is otherwise permitted to possess a handgun~~

11 has the right to carry a handgun within the state capitol building and on
12 the property of the ~~state capitol complex~~. **Indiana government center**
13 **campus.**

14 SECTION 4. IC 5-2-1-9, AS AMENDED BY P.L.86-2018,
15 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2020]: Sec. 9. (a) The board shall adopt in accordance with
17 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
18 The rules, which shall be adopted only after necessary and proper
19 investigation and inquiry by the board, shall include the establishment
20 of the following:

21 (1) Minimum standards of physical, educational, mental, and
22 moral fitness which shall govern the acceptance of any person for
23 training by any law enforcement training school or academy
24 meeting or exceeding the minimum standards established
25 pursuant to this chapter.

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

29 (3) Minimum standards for courses of study, attendance
30 requirements, equipment, and facilities for approved town, city,
31 county, and state law enforcement officer, police reserve officer,
32 and conservation reserve officer training schools.

33 (4) Minimum standards for a course of study on cultural diversity
34 awareness, including training on the U nonimmigrant visa created
35 through the federal Victims of Trafficking and Violence
36 Protection Act of 2000 (P.L. 106-386) that must be required for
37 each person accepted for training at a law enforcement training
38 school or academy. Cultural diversity awareness study must
39 include an understanding of cultural issues related to race,
40 religion, gender, age, domestic violence, national origin, and
41 physical and mental disabilities.

42 (5) Minimum qualifications for instructors at approved law



- 1 enforcement training schools.
- 2 (6) Minimum basic training requirements which law enforcement
3 officers appointed to probationary terms shall complete before
4 being eligible for continued or permanent employment.
- 5 (7) Minimum basic training requirements which law enforcement
6 officers appointed on other than a permanent basis shall complete
7 in order to be eligible for continued employment or permanent
8 appointment.
- 9 (8) Minimum basic training requirements which law enforcement
10 officers appointed on a permanent basis shall complete in order
11 to be eligible for continued employment.
- 12 (9) Minimum basic training requirements for each person
13 accepted for training at a law enforcement training school or
14 academy that include six (6) hours of training in interacting with:
- 15 (A) persons with autism, mental illness, addictive disorders,
16 intellectual disabilities, and developmental disabilities;
- 17 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
18 and
- 19 (C) persons with Alzheimer's disease or related senile
20 dementia;
- 21 to be provided by persons approved by the secretary of family and
22 social services and the board. The training must include an
23 overview of the crisis intervention teams.
- 24 (10) Minimum standards for a course of study on human and
25 sexual trafficking that must be required for each person accepted
26 for training at a law enforcement training school or academy and
27 for inservice training programs for law enforcement officers. The
28 course must cover the following topics:
- 29 (A) Examination of the human and sexual trafficking laws
30 (IC 35-42-3.5).
- 31 (B) Identification of human and sexual trafficking.
- 32 (C) Communicating with traumatized persons.
- 33 (D) Therapeutically appropriate investigative techniques.
- 34 (E) Collaboration with federal law enforcement officials.
- 35 (F) Rights of and protections afforded to victims.
- 36 (G) Providing documentation that satisfies the Declaration of
37 Law Enforcement Officer for Victim of Trafficking in Persons
38 (Form I-914, Supplement B) requirements established under
39 federal law.
- 40 (H) The availability of community resources to assist human
41 and sexual trafficking victims.
- 42 (b) A law enforcement officer appointed after July 5, 1972, and



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

13 (c) Military leave or other authorized leave of absence from law
 14 enforcement duty during the first year of employment after July 6,
 15 1972, shall toll the running of the first year, which shall be calculated
 16 by the aggregate of the time before and after the leave, for the purposes
 17 of this chapter.

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

- 21 (1) make an arrest;
- 22 (2) conduct a search or a seizure of a person or property; or
- 23 (3) carry a firearm;

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

28 (e) This subsection does not apply to:

- 29 (1) a gaming agent employed as a law enforcement officer by the
 30 Indiana gaming commission; or

31 (2) an:

- 32 (A) attorney; or
- 33 (B) investigator;

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

36 Before a law enforcement officer appointed after June 30, 1993,
 37 completes the basic training requirements, the law enforcement officer
 38 may exercise the police powers described in subsection (d) if the
 39 officer successfully completes the pre-basic course established in
 40 subsection (f). Successful completion of the pre-basic course authorizes
 41 a law enforcement officer to exercise the police powers described in
 42 subsection (d) for one (1) year after the date the law enforcement



1 officer is appointed.
2 (f) The board shall adopt rules under IC 4-22-2 to establish a
3 pre-basic course for the purpose of training:
4 (1) law enforcement officers;
5 (2) police reserve officers (as described in IC 36-8-3-20); and
6 (3) conservation reserve officers (as described in IC 14-9-8-27);
7 regarding the subjects of arrest, search and seizure, the lawful use of
8 force, interacting with individuals with autism, and the operation of an
9 emergency vehicle. The pre-basic course must be offered on a periodic
10 basis throughout the year at regional sites statewide. The pre-basic
11 course must consist of at least forty (40) hours of course work. The
12 board may prepare the classroom part of the pre-basic course using
13 available technology in conjunction with live instruction. The board
14 shall provide the course material, the instructors, and the facilities at
15 the regional sites throughout the state that are used for the pre-basic
16 course. In addition, the board may certify pre-basic courses that may be
17 conducted by other public or private training entities, including
18 postsecondary educational institutions.
19 (g) Subject to subsection (h), the board shall adopt rules under
20 IC 4-22-2 to establish a mandatory inservice training program for
21 police officers and police reserve officers (as described in
22 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
23 satisfactorily completed basic training and has been appointed to a law
24 enforcement department or agency on either a full-time or part-time
25 basis is not eligible for continued employment unless the officer
26 satisfactorily completes the mandatory inservice training requirements
27 established by rules adopted by the board. Inservice training must
28 include training in interacting with persons with mental illness,
29 addictive disorders, intellectual disabilities, autism, developmental
30 disabilities, and Alzheimer's disease or related senile dementia, to be
31 provided by persons approved by the secretary of family and social
32 services and the board, and training concerning human and sexual
33 trafficking and high risk missing persons (as defined in IC 5-2-17-1).
34 The board may approve courses offered by other public or private
35 training entities, including postsecondary educational institutions, as
36 necessary in order to ensure the availability of an adequate number of
37 inservice training programs. The board may waive an officer's inservice
38 training requirements if the board determines that the officer's reason
39 for lacking the required amount of inservice training hours is due to
40 either an emergency situation or the unavailability of courses.
41 (h) This subsection applies only to a mandatory inservice training
42 program under subsection (g). Notwithstanding subsection (g), the



1 board may, without adopting rules under IC 4-22-2, modify the course
 2 work of a training subject matter, modify the number of hours of
 3 training required within a particular subject matter, or add a new
 4 subject matter, if the board satisfies the following requirements:

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

7 (2) After approving the modification or addition at a public
 8 meeting, the board must post notice of the modification or
 9 addition on the Indiana law enforcement academy's Internet web
 10 site at least thirty (30) days before the modification or addition
 11 takes effect.

12 If the board does not satisfy the requirements of this subsection, the
 13 modification or addition is void. This subsection does not authorize the
 14 board to eliminate any inservice training subject matter required under
 15 subsection (g).

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

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

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

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

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

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

34 (6) The program must require training in interacting with
 35 individuals with autism.

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

39 (1) Liability.

40 (2) Media relations.

41 (3) Accounting and administration.

42 (4) Discipline.



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



1 subdivision (1); and
 2 (3) completed at any time a basic training course certified or
 3 recognized by the board before the officer is hired under
 4 subdivision (1).

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

- 9 (1) arrest;
 10 (2) search; and
 11 (3) seizure.

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

- 14 (1) is appointed by an Indiana law enforcement department or
 15 agency as a reserve police officer; and
 16 (2) has not worked as a reserve police officer for at least two (2)
 17 years after:
 18 (A) completing the pre-basic course; or
 19 (B) leaving the individual's last appointment as a reserve
 20 police officer.

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

24 (r) This subsection applies to an individual who, at the time the
 25 individual completes a board certified or recognized basic training
 26 course, has not been appointed as a law enforcement officer by an
 27 Indiana law enforcement department or agency. If the individual is not
 28 employed as a law enforcement officer for at least two (2) years after
 29 completing the basic training course, the individual must successfully
 30 retake and complete the basic training course as set forth in subsection
 31 (d).

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

- 34 (1) is appointed as a board certified instructor of law enforcement
 35 training; and
 36 (2) has not provided law enforcement training instruction for
 37 more than one (1) year after the date the individual's instructor
 38 certification expired.

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

42 (t) This subsection applies only to a gaming agent employed as a



1 law enforcement officer by the Indiana gaming commission. A gaming
 2 agent appointed after June 30, 2005, may exercise the police powers
 3 described in subsection (d) if:

- 4 (1) the agent successfully completes the pre-basic course
 5 established in subsection (f); and
 6 (2) the agent successfully completes any other training courses
 7 established by the Indiana gaming commission in conjunction
 8 with the board.

9 (u) This subsection applies only to a securities enforcement officer
 10 designated as a law enforcement officer by the securities
 11 commissioner. A securities enforcement officer may exercise the police
 12 powers described in subsection (d) if:

- 13 (1) the securities enforcement officer successfully completes the
 14 pre-basic course established in subsection (f); and
 15 (2) the securities enforcement officer successfully completes any
 16 other training courses established by the securities commissioner
 17 in conjunction with the board.

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

- 20 (1) If the authorized size of the department or town marshal
 21 system is not more than ten (10) members, the term refers to the
 22 position held by the police chief or town marshal.
 23 (2) If the authorized size of the department or town marshal
 24 system is more than ten (10) members but less than fifty-one (51)
 25 members, the term refers to:

- 26 (A) the position held by the police chief or town marshal; and
 27 (B) each position held by the members of the police
 28 department or town marshal system in the next rank and pay
 29 grade immediately below the police chief or town marshal.

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

- 32 (A) the position held by the police chief or town marshal; and
 33 (B) each position held by the members of the police
 34 department or town marshal system in the next two (2) ranks
 35 and pay grades immediately below the police chief or town
 36 marshal.

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

- 40 (1) the officer successfully completes the pre-basic course
 41 described in subsection (f); and
 42 (2) the officer successfully completes any other training courses



1 established by the department of correction in conjunction with
 2 the board.
 3 SECTION 5. IC 11-13-1-3.5, AS AMENDED BY P.L.4-2017,
 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2020]: Sec. 3.5. A probation officer may not carry a handgun
 6 as ~~described in IC 35-47-2-1~~ **in any vehicle or on or about the**
 7 **probation officer's body** while acting in the scope of employment as
 8 a probation officer unless all of the following conditions are met:
 9 (1) The appointing court enters an order authorizing the probation
 10 officer to carry the handgun while on duty.
 11 ~~(2) The probation officer is issued a license to carry the handgun~~
 12 ~~under IC 35-47-2.~~
 13 ~~(3)~~ **(2)** The probation officer successfully completes a handgun
 14 safety course certified by the law enforcement training board
 15 under IC 5-2-1-9(n).
 16 SECTION 6. IC 14-16-1-23, AS AMENDED BY P.L.35-2011,
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2020]: Sec. 23. (a) An individual shall not operate a vehicle
 19 under any of the following conditions:
 20 (1) At a rate of speed greater than is reasonable and proper having
 21 due regard for existing conditions or in a manner that
 22 unnecessarily endangers the person or property of another.
 23 (2) While:
 24 (A) under the influence of an alcoholic beverage; or
 25 (B) unlawfully under the influence of a narcotic or other habit
 26 forming or dangerous depressant or stimulant drug.
 27 (3) During the hours from thirty (30) minutes after sunset to thirty
 28 (30) minutes before sunrise without displaying a lighted headlight
 29 and a lighted taillight.
 30 (4) In a forest nursery, a planting area, or public land posted or
 31 reasonably identified as an area of forest or plant reproduction
 32 and when growing stock may be damaged.
 33 (5) On the frozen surface of public waters within:
 34 (A) one hundred (100) feet of an individual not in or upon a
 35 vehicle; or
 36 (B) one hundred (100) feet of a fishing shanty or shelter;
 37 except at a speed of not more than five (5) miles per hour.
 38 (6) Unless the vehicle is equipped with a muffler in good working
 39 order and in constant operation to prevent excessive or unusual
 40 noise and annoying smoke.
 41 (7) Within one hundred (100) feet of a dwelling between midnight
 42 and 6:00 a.m., except on the individual's own property or property



- 1 under the individual's control or as an invited guest.
 2 (8) On any property without the consent of the landowner or
 3 tenant.
 4 (9) While transporting on or in the vehicle a firearm, unless the
 5 firearm is:
 6 (A) unloaded; and
 7 (B) securely encased or equipped with and made inoperative
 8 by a manufactured keylocked trigger housing mechanism.
 9 (10) On or across a cemetery or burial ground.
 10 (11) Within one hundred (100) feet of a slide, ski, or skating area,
 11 except for the purpose of servicing the area.
 12 (12) On a railroad track or railroad right-of-way, except railroad
 13 personnel in the performance of duties.
 14 (13) In or upon a flowing river, stream, or creek, except for the
 15 purpose of crossing by the shortest possible route, unless the
 16 river, stream, or creek is of sufficient water depth to permit
 17 movement by flotation of the vehicle at all times.
 18 (14) An individual shall not operate a vehicle while a bow is
 19 present in or on the vehicle if the nock of an arrow is in position
 20 on the string of the bow.
 21 (b) Subsection (a)(9) does not apply to a person who is carrying a
 22 firearm:
 23 (1) if
 24 (A) the firearm is a handgun; and
 25 (B) the person has been issued an unlimited handgun license
 26 to carry a handgun under IC 35-47-2;
 27 ~~(2) if:~~
 28 ~~(A) the firearm is a handgun; and~~
 29 ~~(B) the person is not required to possess a license to carry a~~
 30 ~~handgun under IC 35-47-2-2; or~~
 31 ~~(3) (2) if the person carrying the firearm is operating the vehicle~~
 32 ~~on property that the person:~~
 33 ~~(A) owns;~~
 34 ~~(B) has a contractual interest in;~~
 35 ~~(C) otherwise legally possesses; or~~
 36 ~~(D) has permission from a person described in clauses (A)~~
 37 ~~through (C) to possess a firearm on.~~
 38 SECTION 7. IC 31-30-1-4, AS AMENDED BY P.L.28-2016,
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2020]: Sec. 4. (a) The juvenile court does not have jurisdiction
 41 over an individual for an alleged violation of:
 42 (1) IC 35-41-5-1(a) (attempted murder);



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



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

3 SECTION 8. IC 35-33-1-1, AS AMENDED BY P.L.65-2016,
4 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2020]: Sec. 1. (a) A law enforcement officer may arrest a
6 person when the officer has:

- 7 (1) a warrant commanding that the person be arrested;
8 (2) probable cause to believe the person has committed or
9 attempted to commit, or is committing or attempting to commit,
10 a felony;
11 (3) probable cause to believe the person has violated the
12 provisions of IC 9-26-1-1.1 or IC 9-30-5;
13 (4) probable cause to believe the person is committing or
14 attempting to commit a misdemeanor in the officer's presence;
15 (5) probable cause to believe the person has committed a:
16 (A) battery resulting in bodily injury under IC 35-42-2-1; or
17 (B) domestic battery under IC 35-42-2-1.3.

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

- 21 (6) probable cause to believe that the person violated
22 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;
23 ~~(7) probable cause to believe that the person violated~~
24 ~~IC 35-47-2-1 (carrying a handgun without a license) or~~
25 ~~IC 35-47-2-22 (counterfeit handgun license);~~
26 (8) (7) probable cause to believe that the person is violating or has
27 violated an order issued under IC 35-50-7;
28 (9) (8) 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) (9) 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) (10) probable cause to believe that the person has committed~~
38 ~~theft (IC 35-43-4-2);~~
39 ~~(12) (11) a removal order issued for the person by an immigration~~
40 ~~court;~~
41 ~~(13) (12) a detainer or notice of action for the person issued by the~~
42 United States Department of Homeland Security; or



1 ~~(14)~~ **(13)** probable cause to believe that the person has been
 2 indicted for or convicted of one (1) or more aggravated felonies
 3 (as 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 9. IC 35-47-2-0.5 IS ADDED TO THE INDIANA CODE
 14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2020]: **Sec. 0.5. This chapter may not be construed:**

16 **(1) to prohibit a person who owns, leases, rents, or otherwise**
 17 **legally controls private property from regulating or**
 18 **prohibiting the possession of firearms on the private**
 19 **property;**

20 **(2) to allow a person to adopt or enforce an ordinance,**
 21 **resolution, policy, or rule that:**

22 **(A) prohibits; or**

23 **(B) has the effect of prohibiting;**

24 **an employee of the person from possessing a firearm or**
 25 **ammunition that is locked in the trunk of the employee's**
 26 **vehicle, kept in the glove compartment of the employee's**
 27 **locked vehicle, or stored out of plain sight in the employee's**
 28 **locked vehicle, unless the person's adoption or enforcement of**
 29 **the ordinance, resolution, policy, or rule is allowed under**
 30 **IC 34-28-7-2(b); or**

31 **(3) to allow a person to adopt or enforce a law, statute,**
 32 **ordinance, resolution, policy, or rule that allows a person to**
 33 **possess or transport a firearm or ammunition if the person is**
 34 **prohibited from possessing or transporting the firearm or**
 35 **ammunition by state or federal law.**

36 SECTION 10. IC 35-47-2-1, AS AMENDED BY P.L.221-2017,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2020]: Sec. 1. (a) ~~Except as provided in subsections (b) and~~
 39 (c) and sections 2 through 2.1 of this chapter, a person shall not carry
 40 a handgun in any vehicle or on or about the person's body without
 41 being licensed under this chapter to carry a handgun.

42 (b) ~~Except as provided in subsection (c); a person may carry a~~



1 handgun without being licensed under this chapter to carry a handgun
2 if:

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

6 (2) the person carries the handgun on or about the person's body
7 while lawfully present in or on property that is owned, leased,
8 rented, or otherwise legally controlled by another person, if the
9 person:

10 (A) has the consent of the owner, renter, lessor, or person who
11 legally controls the property to have the handgun on the
12 premises;

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

16 (C) is on the property to receive firearms related services,
17 including the repair, maintenance, or modification of a
18 firearm;

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

22 (A) unloaded;

23 (B) not readily accessible; and

24 (C) secured in a case;

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

28 (A) unloaded;

29 (B) not readily accessible; and

30 (C) secured in a case;

31 (5) the person carries the handgun:

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

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

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

35 (6) the person is permitted to carry a handgun without a license
36 under section 2.1 of this chapter (persons protected by a
37 protection order).

38 (e) (a) Unless the person's right to possess a firearm has been
39 restored under IC 35-47-4-7, a person who has been convicted of
40 domestic battery under IC 35-42-2-1.3 may not possess or carry a
41 handgun.

42 (d) This section may not be construed:



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

4 (2) to allow a person to adopt or enforce an ordinance, resolution,
5 policy; or rule that:

6 (A) prohibits; or

7 (B) has the effect of prohibiting;

8 an employee of the person from possessing a firearm or
9 ammunition that is locked in the trunk of the employee's vehicle;
10 kept in the glove compartment of the employee's locked vehicle;
11 or stored out of plain sight in the employee's locked vehicle;
12 unless the person's adoption or enforcement of the ordinance,
13 resolution; policy; or rule is allowed under IC 34-28-7-2(b); or

14 (3) to allow a person to adopt or enforce a law, statute, ordinance,
15 resolution; policy; or rule that allows a person to possess or
16 transport a firearm or ammunition if the person is prohibited from
17 possessing or transporting the firearm or ammunition by state or
18 federal law.

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

22 (1) if the offense is committed:

23 (A) on or in school property;

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

25 (C) on a school bus; or

26 (2) if the person:

27 (A) has a prior conviction of **any the** offense under

28 (i) this section; or

29 (ii) ~~section 22 of this chapter~~; or

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

32 SECTION 11. IC 35-47-2-2.1 IS REPEALED [EFFECTIVE JULY
33 1, 2020]. Sec. 2.1: (a) As used in this section, "protection order" means
34 a civil protection order issued under IC 34-26-5.

35 (b) A person may carry a handgun without a license if the person:

36 (1) has applied for a license to carry a handgun as described in
37 IC 35-47-2-3;

38 (2) is protected by a protection order;

39 (3) is at least eighteen (18) years of age; and

40 (4) is not otherwise barred by state or federal law from possessing
41 a handgun;

42 during the period described in subsection (c):



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

4 SECTION 12. IC 35-47-2-3, AS AMENDED BY P.L.107-2019,
 5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2020]: Sec. 3. (a) A person ~~desiring a license to carry a~~
 7 ~~handgun shall apply:~~ **who is not prohibited from carrying or**
 8 **possessing a firearm under state or federal law is not required to**
 9 **obtain or possess a license from the state of Indiana in order to**
 10 **carry a handgun in Indiana. A nonresident of Indiana is not**
 11 **required to possess a license or permit to carry a handgun from the**
 12 **person's state of residence in order to carry a handgun in Indiana.**
 13 **A resident of this state who wishes to carry a handgun in another**
 14 **state under a reciprocity agreement entered into by this state and**
 15 **another state may obtain a license to carry a handgun under this**
 16 **chapter by applying:**

- 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) This subsection applies before July 1, 2020. The law
 32 enforcement agency which accepts an application for a handgun license
 33 shall collect the following application fees:

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



1 (\$40) application fee, thirty dollars (\$30) of which shall be
2 refunded if the license is not issued.
3 Except as provided in subsection (i), the fee shall be deposited into the
4 law enforcement agency's firearms training fund or other appropriate
5 training activities fund and used by the agency to train law enforcement
6 officers in the proper use of firearms or in other law enforcement
7 duties, or to purchase firearms, firearm related equipment, or body
8 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
9 employed by the law enforcement agency. The state board of accounts
10 shall establish rules for the proper accounting and expenditure of funds
11 collected under this subsection.

12 (c) This subsection applies after June 30, 2020. The law
13 enforcement agency which accepts an application for a handgun license
14 shall not collect a fee from a person applying for a five (5) year
15 handgun license and shall collect the following application fees:

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

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

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

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



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

19 (e) The superintendent may make whatever further investigation the
 20 superintendent deems necessary. Whenever disapproval is
 21 recommended, the officer to whom the application is made shall
 22 provide the superintendent and the applicant with the officer's complete
 23 and specific reasons, in writing, for the recommendation of
 24 disapproval.

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

- 26 (1) has a proper reason for carrying a handgun;
- 27 (2) is of good character and reputation;
- 28 (3) is a proper person to be licensed; and
- 29 (4) is:

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

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

33 the superintendent shall issue to the applicant a qualified or an
 34 unlimited license to carry any handgun lawfully possessed by the
 35 applicant. The original license shall be delivered to the licensee. A
 36 copy shall be delivered to the officer to whom the application for
 37 license was made. A copy shall be retained by the superintendent for
 38 at least five (5) years in the case of a five (5) year license. The
 39 superintendent may adopt guidelines to establish a records retention
 40 policy for a lifetime license. A five (5) year license shall be valid for a
 41 period of five (5) years from the date of issue. A lifetime license is
 42 valid for the life of the individual receiving the license. The license of



1 police officers, sheriffs or their deputies, and law enforcement officers
 2 of the United States government who have twenty (20) or more years
 3 of service shall be valid for the life of these individuals. However, a
 4 lifetime license is automatically revoked if the license holder does not
 5 remain a proper person.

6 (g) At the time a license is issued and delivered to a licensee under
 7 subsection (f), the superintendent shall include with the license
 8 information concerning handgun safety rules that:

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

11 (2) is:

12 (A) recommended by a nonprofit educational organization that
 13 is dedicated to providing education on safe handling and use
 14 of firearms;

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

16 (C) approved by the superintendent.

17 The superintendent may not deny a license under this section because
 18 the information required under this subsection is unavailable at the
 19 time the superintendent would otherwise issue a license. The state
 20 police department may accept private donations or grants to defray the
 21 cost of printing and mailing the information required under this
 22 subsection.

23 (h) A license to carry a handgun shall not be issued to any person
 24 who:

25 (1) has been convicted of a felony;

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

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

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

32 (5) has been arrested for a Class A or Class B felony for an
 33 offense committed before July 1, 2014, for a Level 1, Level 2,
 34 Level 3, or Level 4 felony for an offense committed after June 30,
 35 2014, or any other felony that was committed while armed with
 36 a deadly weapon or that involved the use of violence, if a court
 37 has found probable cause to believe that the person committed the
 38 offense charged; or

39 (6) is prohibited by federal law from possessing or receiving
 40 firearms under 18 U.S.C. 922(g).

41 In the case of an arrest under subdivision (5), a license to carry a
 42 handgun may be issued to a person who has been acquitted of the



1 specific offense charged or if the charges for the specific offense are
 2 dismissed. The superintendent shall prescribe all forms to be used in
 3 connection with the administration of this chapter.

4 (i) If the law enforcement agency that charges a fee under
 5 subsection (b) or (c) is a city or town law enforcement agency, the fee
 6 shall be deposited in the law enforcement continuing education fund
 7 established under IC 5-2-8-2.

8 (j) If a person who holds a valid license to carry a handgun issued
 9 under this chapter:

10 (1) changes the person's name;

11 (2) changes the person's address; or

12 (3) experiences a change, including an arrest or a conviction, that
 13 may affect the person's status as a proper person (as defined in
 14 IC 35-47-1-7) or otherwise disqualify the person from holding a
 15 license;

16 the person shall, not later than thirty (30) days after the date of a
 17 change described under subdivision (3), and not later than sixty (60)
 18 days after the date of the change described under subdivision (1) or (2),
 19 notify the superintendent, in writing, of the event described under
 20 subdivision (3) or, in the case of a change under subdivision (1) or (2),
 21 the person's new name or new address.

22 (k) The state police shall indicate on the form for a license to carry
 23 a handgun the notification requirements of subsection (j).

24 (l) The state police department shall adopt rules under IC 4-22-2 to

25 ~~(1) implement an electronic application system under subsection~~
 26 ~~(a). and~~

27 ~~(2) expedite the processing of an application made by a person~~
 28 ~~described in section 2-1(b) of this chapter.~~

29 Rules adopted under this section must require the superintendent to
 30 keep on file one (1) set of classifiable and legible fingerprints from
 31 every person who has received a license to carry a handgun so that a
 32 person who applies to renew a license will not be required to submit an
 33 additional set of fingerprints.

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

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

38 (A) obtain; or

39 (B) renew;

40 a license to carry a handgun.

41 (2) Information obtained by a federal, state, or local government
 42 entity in the course of an investigation concerning a person who



- 1 applies to:
- 2 (A) obtain; or
- 3 (B) renew;
- 4 a license to carry a handgun issued under this chapter.
- 5 (3) The name, address, and any other information that may be
- 6 used to identify a person who holds a license to carry a handgun
- 7 issued under this chapter.
- 8 (n) Notwithstanding subsection (m):
- 9 (1) any information concerning an applicant for or a person who
- 10 holds a license to carry a handgun issued under this chapter may
- 11 be released to a federal, state, or local government entity:
- 12 (A) for law enforcement purposes; or
- 13 (B) to determine the validity of a license to carry a handgun;
- 14 and
- 15 (2) general information concerning the issuance of licenses to
- 16 carry handguns in Indiana may be released to a person conducting
- 17 journalistic or academic research, but only if all personal
- 18 information that could disclose the identity of any person who
- 19 holds a license to carry a handgun issued under this chapter has
- 20 been removed from the general information.
- 21 (o) A person who knowingly or intentionally violates this section
- 22 commits a Class B misdemeanor.
- 23 SECTION 13. IC 35-47-2-20 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. (a) A full pardon
- 25 from the governor of Indiana for:
- 26 (1) a felony other than a felony that is included in IC 35-42; or
- 27 (2) a violation of this chapter;
- 28 removes any disability under this chapter imposed because of that
- 29 offense, if fifteen (15) years have elapsed between the time of the
- 30 offense and the application for a license under this chapter.
- 31 (b) A conditional pardon ~~described in~~ **issued under** IC 11-9-2-4 for:
- 32 (1) a felony; or
- 33 (2) a violation of this chapter;
- 34 removes a disability under this chapter if the superintendent determines
- 35 after an investigation that circumstances have changed since the
- 36 pardoned conviction was entered to such an extent that the pardoned
- 37 person is likely to handle handguns in compliance with the law.
- 38 SECTION 14. IC 35-47-2-24 IS REPEALED [EFFECTIVE JULY
- 39 1, 2020]. ~~Sec. 24. (a) In an information or indictment brought for the~~
- 40 ~~enforcement of any provision of this chapter, it is not necessary to~~
- 41 ~~negate any exemption specified under this chapter, or to allege the~~
- 42 ~~absence of a license required under this chapter. The burden of proof~~



1 is on the defendant to prove that he is exempt under section 2 of this
2 chapter, or that he has a license as required under this chapter:

3 (b) Whenever a person who has been arrested or charged with a
4 violation of section 1 of this chapter presents a valid license to the
5 prosecuting attorney or establishes that he is exempt under section 2 of
6 this chapter, any prosecution for a violation of section 1 of this chapter
7 shall be dismissed immediately, and all records of an arrest or
8 proceedings following arrest shall be destroyed immediately.

9 SECTION 15. IC 35-47-2.5-1, AS AMENDED BY P.L.152-2014,
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2020]: Sec. 1. (a) Sections 2 through 5 of this chapter do not
12 apply to the following:

13 (1) Transactions between persons who are licensed as firearms
14 importers or collectors or firearms manufacturers or dealers under
15 18 U.S.C. 923.

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

18 (3) Indiana residents licensed to carry handguns under
19 ~~IC 35-47-2-3~~. **who possess a license to carry a handgun.**

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

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

24 (2) there is a conflict between:

25 (A) a provision of this chapter; and

26 (B) a procedure required under the NICS;

27 the procedure required under the NICS prevails over the conflicting
28 provision of this chapter.

29 SECTION 16. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,
30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2020]: Sec. 4. This chapter may not be construed to prevent
32 any of the following:

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

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

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



- 1 (4) The enactment or enforcement of generally applicable zoning
 2 or business ordinances that apply to firearms businesses to the
 3 same degree as other similar businesses. However, a provision of
 4 an ordinance that is designed or enforced to effectively restrict or
 5 prohibit the sale, purchase, transfer, manufacture, or display of
 6 firearms, ammunition, or firearm accessories that is otherwise
 7 lawful under the laws of this state is void. A unit (as defined in
 8 IC 36-1-2-23) may not use the unit's planning and zoning powers
 9 under IC 36-7-4 to prohibit the sale of firearms within a
 10 prescribed distance of any other type of commercial property or
 11 of school property or other educational property.
- 12 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a
 13 provision prohibiting or restricting the possession of a firearm in
 14 any building that contains the courtroom of a circuit, superior,
 15 city, town, or small claims court. However, if a portion of the
 16 building is occupied by a residential tenant or private business,
 17 any provision restricting or prohibiting the possession of a firearm
 18 does not apply to the portion of the building that is occupied by
 19 the residential tenant or private business, or to common areas of
 20 the building used by a residential tenant or private business.
- 21 (6) The enactment or enforcement of a provision prohibiting or
 22 restricting the intentional display of a firearm at a public meeting.
- 23 (7) The enactment or enforcement of a provision prohibiting or
 24 restricting the possession of a firearm in a public hospital
 25 corporation that contains a secure correctional health unit that is
 26 staffed by a law enforcement officer twenty-four (24) hours a day.
- 27 (8) The imposition of any restriction or condition placed on a
 28 person participating in:
- 29 (A) a community corrections program (IC 11-12-1);
 30 (B) a forensic diversion program (IC 11-12-3.7); or
 31 (C) a pretrial diversion program (IC 33-39-1).
- 32 (9) The enforcement or prosecution of the offense of criminal
 33 recklessness (IC 35-42-2-2) involving the use of a firearm.
- 34 (10) For an event occurring on property leased from a political
 35 subdivision or municipal corporation by the promoter or organizer
 36 of the event:
- 37 (A) the establishment, by the promoter or organizer, at the
 38 promoter's or organizer's own discretion, of rules of conduct or
 39 admission upon which attendance at or participation in the
 40 event is conditioned; or
 41 (B) the implementation or enforcement of the rules of conduct
 42 or admission described in clause (A) by a political subdivision



- 1 or municipal corporation in connection with the event.
- 2 (11) The enactment or enforcement of a provision prohibiting or
- 3 restricting the possession of a firearm in a hospital established
- 4 and operated under IC 16-22-2 or IC 16-23.
- 5 (12) A unit from using the unit's planning and zoning powers
- 6 under IC 36-7-4 to prohibit the sale of firearms within two
- 7 hundred (200) feet of a school by a person having a business that
- 8 did not sell firearms within two hundred (200) feet of a school
- 9 before April 1, 1994.
- 10 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)
- 11 from enacting or enforcing a provision prohibiting or restricting
- 12 the possession of a firearm in a building owned or administered
- 13 by the unit if:
- 14 (A) metal detection devices are located at each public entrance
- 15 to the building;
- 16 (B) each public entrance to the building is staffed by at least
- 17 one (1) law enforcement officer:
- 18 (i) who has been adequately trained to conduct inspections
- 19 of persons entering the building by use of metal detection
- 20 devices and proper physical pat down searches; and
- 21 (ii) when the building is open to the public; and
- 22 (C) each:
- 23 (i) individual who enters the building through the public
- 24 entrance when the building is open to the public; and
- 25 (ii) bag, package, and other container carried by the
- 26 individual;
- 27 is inspected by a law enforcement officer described in clause
- 28 (B).
- 29 However, except as provided in subdivision (5) concerning a
- 30 building that contains a courtroom, a unit may not prohibit or
- 31 restrict the possession of a handgun under this subdivision in a
- 32 building owned or administered by the unit if the person who
- 33 possesses the handgun ~~has been issued a valid license to carry the~~
- 34 ~~handgun under IC 35-47-2. is not otherwise prohibited by law~~
- 35 **from possessing the handgun.**
- 36 SECTION 17. IC 35-47-11.1-4.1 IS ADDED TO THE INDIANA
- 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 38 [EFFECTIVE JULY 1, 2020]: **Sec. 4.1. (a) As used in this section,**
- 39 **"department" means the Indiana department of natural resources.**
- 40 **(b) Notwithstanding 312 IAC 8-2-3, any person not otherwise**
- 41 **prohibited from carrying or possessing a firearm under federal or**
- 42 **state law shall be permitted to carry or possess, without restriction,**



1 **a firearm on any property:**
2 **(1) affiliated with;**
3 **(2) operated or managed by;**
4 **(3) owned by; or**
5 **(4) leased by;**
6 **the department.**
7 **(c) The department shall revise 312 IAC 8-2-3 to reflect**
8 **subsection (b) not later than July 1, 2021.**
9 **(d) The publisher of the Indiana Administrative Code and**
10 **Indiana Register shall amend 312 IAC 8-2-3 to reflect any change**
11 **made by the department under subsection (c).**

