

HOUSE BILL No. 1369

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 11-13-1-3.5; IC 14-16-1-23; IC 21-17-5-6; IC 21-39-4-7; IC 31-30-1-4; IC 35-31.5-2; IC 35-33-1-1; IC 35-43-4-2; IC 35-47; IC 35-50-2.

Synopsis: Firearms matters. Repeals the law that requires a person to obtain a license to carry a handgun in Indiana. Specifies that certain persons who are not otherwise prohibited from carrying or possessing a handgun are not required to obtain or possess a license or permit from the state to carry a handgun in Indiana. Prohibits certain individuals from knowingly or intentionally carrying a handgun. Creates the crime of "unlawful carrying of a handgun". Provides that a prohibited person who knowingly or intentionally carries a handgun commits a Class A misdemeanor. Specifies that the unlawful carrying of a handgun is a Level 5 felony if a person: (1) is less than 23 years of age; and (2) has an adjudication as a delinquent child for an act described by IC 35-47-4-5 (unlawful possession of a firearm by a serious violent felon). Allows a resident of Indiana who wishes to carry a firearm in another state under a reciprocity agreement entered into by Indiana and the other state to obtain from the superintendent of the state police department a reciprocity license. Requires law enforcement agencies to make use of certain data bases when issuing reciprocity licenses. Provides that a person who knowingly or intentionally exerts unauthorized control over a firearm of another person with the intent to deprive the person of any part of its value or use commits theft, a Level 5 felony. Allows for the imposition of an additional fixed term of imprisonment when a person knowingly or intentionally: (1) points; or (2) discharges; a firearm at someone the person knew, or reasonably should have known, was a first responder. Defines certain terms. Makes conforming amendments.

Effective: July 1, 2021.

Smaltz, Lehman, Wesco

January 14, 2021, read first time and referred to Committee on Public Policy.



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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1369

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

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

1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.86-2018,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:

- 8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.
- 13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.
- 16 (3) Minimum standards for courses of study, attendance
17 requirements, equipment, and facilities for approved town, city,



1 county, and state law enforcement officer, police reserve officer,
2 and conservation reserve officer training schools.

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

12 (5) Minimum qualifications for instructors at approved law
13 enforcement training schools.

14 (6) Minimum basic training requirements which law enforcement
15 officers appointed to probationary terms shall complete before
16 being eligible for continued or permanent employment.

17 (7) Minimum basic training requirements which law enforcement
18 officers appointed on other than a permanent basis shall complete
19 in order to be eligible for continued employment or permanent
20 appointment.

21 (8) Minimum basic training requirements which law enforcement
22 officers appointed on a permanent basis shall complete in order
23 to be eligible for continued employment.

24 (9) Minimum basic training requirements for each person
25 accepted for training at a law enforcement training school or
26 academy that include six (6) hours of training in interacting with:

27 (A) persons with autism, mental illness, addictive disorders,
28 intellectual disabilities, and developmental disabilities;

29 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
30 and

31 (C) persons with Alzheimer's disease or related senile
32 dementia;

33 to be provided by persons approved by the secretary of family and
34 social services and the board. The training must include an
35 overview of the crisis intervention teams.

36 (10) Minimum standards for a course of study on human and
37 sexual trafficking that must be required for each person accepted
38 for training at a law enforcement training school or academy and
39 for inservice training programs for law enforcement officers. The
40 course must cover the following topics:

41 (A) Examination of the human and sexual trafficking laws (IC
42 35-42-3.5).



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



1 (2) an:

2 (A) attorney; or

3 (B) investigator;

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

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

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

16 (1) law enforcement officers;

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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



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

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

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

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

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

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

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

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

21 (1) arrest;

22 (2) search; and

23 (3) seizure.

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

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

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

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

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

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

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



1 (d).

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

4 (1) is appointed as a board certified instructor of law enforcement
5 training; and

6 (2) has not provided law enforcement training instruction for
7 more than one (1) year after the date the individual's instructor
8 certification expired.

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

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

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

18 (2) the agent successfully completes any other training courses
19 established by the Indiana gaming commission in conjunction
20 with the board.

21 (u) This subsection applies only to a securities enforcement officer
22 designated as a law enforcement officer by the securities
23 commissioner. A securities enforcement officer may exercise the police
24 powers described in subsection (d) if:

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

27 (2) the securities enforcement officer successfully completes any
28 other training courses established by the securities commissioner
29 in conjunction with the board.

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

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

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

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

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

42 (3) If the authorized size of the department or town marshal



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

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

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

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

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

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

15 SECTION 2. IC 11-13-1-3.5, AS AMENDED BY P.L.4-2017,
16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2021]: Sec. 3.5. A probation officer may not carry a handgun
18 ~~as described in IC 35-47-2-1~~ **in any vehicle or on or about the**
19 **probation officer's body** while acting in the scope of employment as
20 a probation officer unless all of the following conditions are met:

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

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

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

28 SECTION 3. IC 14-16-1-23, AS AMENDED BY P.L.35-2011,
29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2021]: Sec. 23. (a) An individual shall not operate a vehicle
31 under any of the following conditions:

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

35 (2) While:

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

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

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

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



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



- 1 (B) the person is not required to possess a license to carry a
- 2 handgun under IC 35-47-2-2; or
- 3 (2) if the person carrying the firearm is operating the vehicle
- 4 on property that the person:
- 5 (A) owns;
- 6 (B) has a contractual interest in;
- 7 (C) otherwise legally possesses; or
- 8 (D) has permission from a person described in clauses (A)
- 9 through (C) to possess a firearm on.

10 SECTION 4. IC 21-17-5-6, AS AMENDED BY P.L.107-2019,
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 6. Whenever a police officer retires after at least
 13 twenty (20) years of service, the police officer may retain the officer's
 14 service weapon. The officer is entitled to receive, in recognition of the
 15 service to the educational institution and the public, a badge that
 16 indicates that the officer is retired. Upon retirement, the state police
 17 department shall issue to the police officer an identification card that:

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

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

24 SECTION 5. IC 21-39-4-7, AS AMENDED BY P.L.107-2019,
 25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2021]: Sec. 7. Whenever a police officer retires after at least
 27 twenty (20) years of service, the police officer may retain the officer's
 28 service weapon. The officer is entitled to receive, in recognition of the
 29 service to the state educational institution and the public, a badge that
 30 indicates that the officer is retired. Upon retirement, the state police
 31 department shall issue to the police officer an identification card that:

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

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

38 SECTION 6. 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, 2021]: 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 ~~IC 35-47-2-1 (carrying a handgun without a license); if~~
 12 ~~charged as a felony; IC 35-47-2-1.8 (unlawful carrying of a~~
 13 ~~handgun) if the violation of IC 35-47-2-1.8 occurred during~~
 14 ~~the commission of another crime;~~
 15 (9) IC 35-47-10 (children and firearms), if charged as a felony; or
 16 (10) any offense that may be joined under IC 35-34-1-9(a)(2) with
 17 any crime listed in this subsection;
 18 if the individual was at least sixteen (16) years of age but less than
 19 eighteen (18) years of age at the time of the alleged violation.
 20 (b) Once an individual described in subsection (a) has been charged
 21 with any offense listed in subsection (a), the court having adult
 22 criminal jurisdiction shall retain jurisdiction over the case if the
 23 individual pleads guilty to or is convicted of any offense listed in
 24 subsection (a)(1) through (a)(9).
 25 (c) If:
 26 (1) an individual described in subsection (a) is charged with one
 27 (1) or more offenses listed in subsection (a);
 28 (2) all the charges under subsection (a)(1) through (a)(9) resulted
 29 in an acquittal or were dismissed; and
 30 (3) the individual pleads guilty to or is convicted of any offense
 31 other than an offense listed in subsection (a)(1) through (a)(9);
 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 7. IC 35-31.5-2-78, AS AMENDED BY P.L.40-2019,
4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 78. "Crime of domestic violence", for purposes of
6 IC 5-2-6.1, IC 35-38-9, **IC 35-47-2-1.8**, and IC 35-47-4-7, means an
7 offense or the attempt to commit an offense that:

8 (1) has as an element the:

9 (A) use of physical force; or

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

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

13 SECTION 8. IC 35-31.5-2-215, AS ADDED BY P.L.114-2012,
14 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2021]: Sec. 215. (a) Except as provided in subsections (b) and
16 (c), "offense" means a crime. The term does not include an infraction.

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

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

21 SECTION 9. IC 35-33-1-1, AS AMENDED BY P.L.65-2016,
22 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2021]: Sec. 1. (a) A law enforcement officer may arrest a
24 person when the officer has:

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

26 (2) probable cause to believe the person has committed or
27 attempted to commit, or is committing or attempting to commit,
28 a felony;

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

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

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

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

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

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

39 (6) probable cause to believe that the person violated
40 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;

41 (7) probable cause to believe that the person violated
42 ~~IC 35-47-2-1 (carrying a handgun without a license)~~ or



1 ~~IC 35-47-2-22 (counterfeit handgun license); IC 35-47-2-1.8~~
 2 **(unlawful carrying of a handgun);**
 3 (8) probable cause to believe that the person is violating or has
 4 violated an order issued under IC 35-50-7;
 5 (9) probable cause to believe that the person is violating or has
 6 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
 7 device);
 8 (10) probable cause to believe that the person is:
 9 (A) violating or has violated IC 35-45-2-5 (interference with
 10 the reporting of a crime); and
 11 (B) interfering with or preventing the reporting of a crime
 12 involving domestic or family violence (as defined in
 13 IC 34-6-2-34.5);
 14 (11) probable cause to believe that the person has committed theft
 15 (IC 35-43-4-2);
 16 (12) a removal order issued for the person by an immigration
 17 court;
 18 (13) a detainer or notice of action for the person issued by the
 19 United States Department of Homeland Security; or
 20 (14) probable cause to believe that the person has been indicted
 21 for or convicted of one (1) or more aggravated felonies (as
 22 defined in 8 U.S.C. 1101(a)(43)).
 23 (b) A person who:
 24 (1) is employed full time as a federal enforcement officer;
 25 (2) is empowered to effect an arrest with or without warrant for a
 26 violation of the United States Code; and
 27 (3) is authorized to carry firearms in the performance of the
 28 person's duties;
 29 may act as an officer for the arrest of offenders against the laws of this
 30 state where the person reasonably believes that a felony has been or is
 31 about to be committed or attempted in the person's presence.
 32 SECTION 10. IC 35-43-4-2, AS AMENDED BY P.L.276-2019,
 33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2021]: Sec. 2. (a) A person who knowingly or intentionally
 35 exerts unauthorized control over property of another person, with intent
 36 to deprive the other person of any part of its value or use, commits
 37 theft, a Class A misdemeanor. However, the offense is:
 38 (1) a Level 6 felony if:
 39 (A) the value of the property is at least seven hundred fifty
 40 dollars (\$750) and less than fifty thousand dollars (\$50,000);
 41 (B) the property is a:
 42 (i) ~~firearm;~~



1 ~~(ii)~~ (i) motor vehicle (as defined in IC 9-13-2-105(a)); or
 2 ~~(iii)~~ (ii) component part (as defined in IC 9-13-2-34) of a
 3 motor vehicle; or
 4 (C) the person has a prior unrelated conviction for
 5 (i) theft under this section; or
 6 (ii) criminal conversion under section 3 of this chapter; ~~and~~
 7 (2) a Level 5 felony if:
 8 (A) the value of the property is at least fifty thousand dollars
 9 (\$50,000);
 10 (B) the property that is the subject of the theft is a valuable
 11 metal (as defined in IC 25-37.5-1-1) and:
 12 (i) relates to transportation safety;
 13 (ii) relates to public safety; or
 14 (iii) is taken from a hospital or other health care facility,
 15 telecommunications provider, public utility (as defined in
 16 IC 32-24-1-5.9(a)), or critical infrastructure facility;
 17 and the absence of the property creates a substantial risk of
 18 bodily injury to a person; or
 19 (C) the property is a:
 20 (i) motor vehicle (as defined in IC 9-13-2-105(a)); or
 21 (ii) component part (as defined in IC 9-13-2-34) of a motor
 22 vehicle; and
 23 the person has a prior unrelated conviction for theft of a motor
 24 vehicle (as defined in IC 9-13-2-105(a)) or theft of a
 25 component part (as defined in IC 9-13-2-34); **and**
 26 **(3) a Level 5 felony if the property is a firearm.**
 27 (b) For purposes of this section, "the value of property" means:
 28 (1) the fair market value of the property at the time and place the
 29 offense was committed; or
 30 (2) if the fair market value of the property cannot be satisfactorily
 31 determined, the cost to replace the property within a reasonable
 32 time after the offense was committed.
 33 A price tag or price marking on property displayed or offered for sale
 34 constitutes prima facie evidence of the value of the property.
 35 (c) If the offense described in subsection (a) is committed by a
 36 public servant who exerted unauthorized control over public funds (as
 37 defined by IC 5-22-2-23) from the public servant's employer, the
 38 employer may be reimbursed in accordance with IC 2-3.5-4-11,
 39 IC 2-3.5-5-9, IC 5-10-5.5-19, IC 5-10.3-8-9, IC 5-10.4-5-14,
 40 IC 10-12-2-10, IC 33-38-6-19.5, IC 33-39-7-10.5, IC 36-8-6-14,
 41 IC 36-8-7-22, IC 36-8-7.5-19, or IC 36-8-8-17.
 42 SECTION 11. IC 35-47-2-1, AS AMENDED BY P.L.221-2017,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 1. (a) Except as provided in subsections (b) and
3 (c) and sections 2 through 2.1 of this chapter, a person shall not carry
4 a handgun in any vehicle or on or about the person's body without
5 being licensed under this chapter to carry a handgun.

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

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

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

16 (A) has the consent of the owner, renter, lessor, or person who
17 legally controls the property to have the handgun on the
18 premises;

19 (B) is attending a firearms related event on the property,
20 including a gun show, firearms expo, gun owner's club or
21 convention, hunting club, shooting club, or training course; or
22 (C) is on the property to receive firearms related services,
23 including the repair, maintenance, or modification of a
24 firearm;

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

28 (A) unloaded;

29 (B) not readily accessible; and

30 (C) secured in a case;

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

34 (A) unloaded;

35 (B) not readily accessible; and

36 (C) secured in a case;

37 (5) the person carries the handgun:

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

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

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

41 (6) the person is permitted to carry a handgun without a license
42 under section 2.1 of this chapter (persons protected by a



- 1 protection order):
- 2 (c) Unless the person's right to possess a firearm has been restored
- 3 under IC 35-47-4-7, a person who has been convicted of domestic
- 4 battery under IC 35-42-2-1.3 may not possess or carry a handgun.
- 5 (d) (a) This section chapter may not be construed:
- 6 (1) to prohibit a person who owns, leases, rents, or otherwise
- 7 legally controls private property from regulating or prohibiting the
- 8 possession of firearms on the private property;
- 9 (2) to allow a person to adopt or enforce an ordinance, resolution,
- 10 policy, or rule that:
- 11 (A) prohibits; or
- 12 (B) has the effect of prohibiting;
- 13 an employee of the person from possessing a firearm or
- 14 ammunition that is locked in the trunk of the employee's vehicle,
- 15 kept in the glove compartment of the employee's locked vehicle,
- 16 or stored out of plain sight in the employee's locked vehicle,
- 17 unless the person's adoption or enforcement of the ordinance,
- 18 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or
- 19 (3) to allow a person to adopt or enforce a law, statute, ordinance,
- 20 resolution, policy, or rule that allows a person to possess or
- 21 transport a firearm or ammunition if the person is prohibited from
- 22 possessing or transporting the firearm or ammunition by state or
- 23 federal law.
- 24 (b) **Nothing in this chapter may be construed to affect the status**
- 25 **or validity of a five (5) year or lifetime license to carry a handgun**
- 26 **issued by the superintendent before July 1, 2021. Any license**
- 27 **described under this subsection shall remain valid for the duration**
- 28 **of the license or the lifetime of the licensee, as applicable.**
- 29 (e) A person who knowingly or intentionally violates this section
- 30 commits a Class A misdemeanor. However, the offense is a Level 5
- 31 felony:
- 32 (1) if the offense is committed:
- 33 (A) on or in school property;
- 34 (B) within five hundred (500) feet of school property; or
- 35 (C) on a school bus; or
- 36 (2) if the person:
- 37 (A) has a prior conviction of any offense under:
- 38 (i) this section; or
- 39 (ii) section 22 of this chapter; or
- 40 (B) has been convicted of a felony within fifteen (15) years
- 41 before the date of the offense.
- 42 SECTION 12. IC 35-47-2-1.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. (a) Unless the person's right**
 3 **to possess a firearm has been restored under IC 35-47-4-7, a person**
 4 **who has been convicted of domestic battery under IC 35-42-2-1.3**
 5 **may not possess or carry a handgun.**

6 **(b) A person who knowingly or intentionally violates this section**
 7 **commits a Class A misdemeanor.**

8 SECTION 13. IC 35-47-2-1.8 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2021]: **Sec. 1.8. (a) The following terms are**
 11 **defined for this section:**

12 **(1) "Adjudicated a mental defective" means a determination**
 13 **by a court that a person:**

14 **(A) presents a danger to the person or to others; or**

15 **(B) lacks the mental capacity necessary to contract or**
 16 **manage the person's affairs.**

17 **The term includes a finding of insanity by a court in a**
 18 **criminal proceeding.**

19 **(2) "Alien" means any person who is not lawfully in the**
 20 **United States. The term includes:**

21 **(A) any person who has:**

22 **(i) entered the United States without inspection and**
 23 **authorization by an immigration officer; and**

24 **(ii) not been paroled into the United States under the**
 25 **federal Immigration and Nationality Act;**

26 **(B) a nonimmigrant:**

27 **(i) whose authorized period of stay has expired; or**

28 **(ii) who has violated the terms of the nonimmigrant**
 29 **category under which the person was admitted;**

30 **(C) a person paroled under the federal Immigration and**
 31 **Nationality Act whose period of parole has:**

32 **(i) expired; or**

33 **(ii) been terminated; and**

34 **(D) a person subject to an order:**

35 **(i) of deportation, exclusion, or removal; or**

36 **(ii) to depart the United States voluntarily;**

37 **regardless of whether or not the person has left the United**
 38 **States.**

39 **(3) "Committed to a mental institution" means the formal**
 40 **commitment of a person to a mental institution by a court.**

41 **The term includes:**

42 **(A) a commitment for:**



- 1 (i) a cognitive or mental defect; or
 2 (ii) a mental illness; and
 3 (B) involuntary commitments.
 4 The term does not include voluntary commitments or a
 5 commitment made for observational purposes.
 6 (4) "Crime of domestic violence" has the meaning set forth in
 7 IC 35-31.5-2-78.
 8 (5) "Dangerous" has the meaning set forth in IC 35-47-14-1.
 9 (6) "Fugitive from justice" means any person who:
 10 (A) flees or leaves from any state to avoid prosecution for
 11 a felony or misdemeanor offense; or
 12 (B) flees or leaves any state to avoid testifying in a criminal
 13 proceeding.
 14 (7) "Indictment" means any formal accusation of a crime
 15 made by a prosecuting attorney in any court for a crime
 16 punishable by a term of imprisonment exceeding one (1) year.
 17 (b) Except as provided in subsection (c), the following persons
 18 may not knowingly or intentionally carry a handgun:
 19 (1) A person convicted of a federal or state offense punishable
 20 by a term of imprisonment exceeding one (1) year.
 21 (2) A fugitive from justice.
 22 (3) An alien.
 23 (4) A person convicted of:
 24 (A) a crime of domestic violence (IC 35-31.5-2-78);
 25 (B) domestic battery (IC 35-42-2-1.3); or
 26 (C) criminal stalking (IC 35-45-10-5).
 27 (5) A person restrained by an order of protection issued under
 28 IC 34-26-5.
 29 (6) A person under indictment.
 30 (7) A person who has been:
 31 (A) adjudicated dangerous under IC 35-47-14-6;
 32 (B) adjudicated a mental defective; or
 33 (C) committed to a mental institution.
 34 (8) A person dishonorably discharged from:
 35 (A) military service; or
 36 (B) the National Guard.
 37 (9) A person who renounces the person's United States
 38 citizenship in the manner described in 8 U.S.C. 1481.
 39 (10) A person who is less than:
 40 (A) eighteen (18) years of age; or
 41 (B) twenty-three (23) years of age and has an adjudication
 42 as a delinquent child for an act described by IC 35-47-4-5.



1 (c) Subsection (b) does not apply to a person who has
 2 successfully petitioned for the return of a firearm under
 3 IC 35-47-14-8.

4 (d) A person who violates this section commits unlawful
 5 carrying of a handgun, a Class A misdemeanor. However, the
 6 offense is a Level 5 felony if:

7 (1) the person:

8 (A) is less than twenty-three (23) years of age; and

9 (B) has an adjudication as a delinquent child for an act
 10 described by IC 35-47-4-5; or

11 (2) the person violates this section:

12 (A) on or in school property;

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

14 (C) on a school bus.

15 SECTION 14. IC 35-47-2-2 IS REPEALED [EFFECTIVE JULY 1,
 16 2021]. Sec. 2: Section † of this chapter does not apply to:

17 (1) marshals;

18 (2) sheriffs;

19 (3) the commissioner of the department of correction or persons
 20 authorized by the commissioner in writing to carry firearms;

21 (4) judicial officers;

22 (5) law enforcement officers;

23 (6) members of the armed forces of the United States or of the
 24 national guard or organized reserves while they are on duty;

25 (7) regularly enrolled members of any organization duly
 26 authorized to purchase or receive such weapons from the United
 27 States or from this state who are at or are going to or from their
 28 place of assembly or target practice;

29 (8) employees of the United States duly authorized to carry
 30 handguns;

31 (9) employees of express companies when engaged in company
 32 business; or

33 (10) any person engaged in the business of manufacturing,
 34 repairing; or dealing in firearms or the agent or representative of
 35 any such person having in the person's possession; using; or
 36 carrying a handgun in the usual or ordinary course of that
 37 business.

38 SECTION 15. IC 35-47-2-2.1 IS REPEALED [EFFECTIVE JULY
 39 1, 2021]. Sec. 2:1: (a) As used in this section; "protection order" means
 40 a civil protection order issued under IC 34-26-5.

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

42 (1) has applied for a license to carry a handgun as described in



1 ~~IC 35-47-2-3;~~

2 ~~(2) is protected by a protection order;~~

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

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

6 during the period described in subsection (c):

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

10 SECTION 16. IC 35-47-2-3, AS AMENDED BY P.L.107-2019,
11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 3. (a) A person ~~desiring a license to carry who is~~
13 **at least eighteen (18) years of age and is not otherwise prohibited**
14 **from carrying or possessing a handgun shall apply: under state or**
15 **federal law is not required to obtain or possess a license or permit**
16 **from the state to carry a handgun in Indiana. A resident of this**
17 **state who wishes to carry a firearm in another state under a**
18 **reciprocity agreement entered into by this state and another state**
19 **may obtain an Indiana reciprocity license under this chapter by**
20 **applying:**

21 (1) to the chief of police or corresponding law enforcement officer
22 of the municipality in which the applicant resides;

23 (2) if that municipality has no such officer, or if the applicant does
24 not reside in a municipality, to the sheriff of the county in which
25 the applicant resides after the applicant has obtained an
26 application form prescribed by the superintendent; or

27 (3) if the applicant is a resident of another state and has a regular
28 place of business or employment in Indiana, to the sheriff of the
29 county in which the applicant has a regular place of business or
30 employment.

31 The superintendent and local law enforcement agencies shall allow an
32 applicant desiring to obtain or renew a **reciprocity** license ~~to carry a~~
33 ~~handgun~~ to submit an application electronically under this chapter if
34 funds are available to establish and maintain an electronic application
35 system.

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

39 (1) From a person applying for a four (4) year handgun license, a
40 ten dollar (\$10) application fee, five dollars (\$5) of which shall be
41 refunded if the license is not issued.

42 (2) From a person applying for a lifetime handgun license who



1 does not currently possess a valid Indiana handgun license, a fifty
2 dollar (\$50) application fee, thirty dollars (\$30) of which shall be
3 refunded if the license is not issued.

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

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

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

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

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

32 Except as provided in subsection (i), 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) The officer to whom the application is made shall ascertain the
42 applicant's name, full address, length of residence in the community,



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

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

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

- 35 (1) has a proper reason for ~~carrying a handgun~~; **receiving a**
 36 **reciprocity license**;
- 37 (2) is of good character and reputation;
- 38 (3) is a proper person to be licensed; and
- 39 (4) is:
 - 40 (A) a citizen of the United States; or
 - 41 (B) not a citizen of the United States but is allowed to carry a
 42 firearm in the United States under federal law;



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

17 (g) At the time a **reciprocity** license is issued and delivered to a
 18 licensee under subsection (f), the superintendent shall include with the
 19 **reciprocity** license information concerning ~~handgun~~ **firearms** safety
 20 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 **reciprocity** license under this
 30 section because the information required under this subsection is
 31 unavailable at the time the superintendent would otherwise issue a
 32 license. The state police department may accept private donations or
 33 grants to defray the cost of printing and mailing the information
 34 required under this subsection.

35 (h) A **reciprocity** license ~~to carry a handgun~~ shall not be issued to
 36 any person who:

- 37 (1) has been convicted of a felony;
 38 (2) has had a license to carry a handgun **or a reciprocity license**
 39 suspended, unless the 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 35-47-2-1.8, unless exempted by**
 12 **IC 35-47-2-1.8.**

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

18 (i) 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 (j) If a person who holds a valid **reciprocity** license ~~to carry a~~
 23 ~~handgun~~ issued 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 **reciprocity** 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 (k) The state police shall indicate on the form for a **reciprocity**
 37 license ~~to carry a handgun~~ the notification requirements of subsection
 38 (j).

- 39 (l) The state police department shall adopt rules under IC 4-22-2 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 2.1(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 **reciprocity** license ~~to carry a handgun~~
 5 so that a person who applies to renew a **reciprocity** license will not be
 6 required to submit an additional set of fingerprints.

7 (m) Except as provided in subsection (n), 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 **reciprocity** 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 **reciprocity** license ~~to carry a handgun~~ issued under this
 20 chapter.

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

24 (n) Notwithstanding subsection (m):

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

29 (A) for law enforcement purposes; or

30 (B) to determine the validity of a **reciprocity** license; ~~to carry~~
 31 ~~a handgun~~; and

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

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

40 SECTION 17. IC 35-47-2-4, AS AMENDED BY P.L.107-2019,
 41 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2021]: Sec. 4. (a) **Reciprocity** licenses ~~to carry handguns~~



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

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

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

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

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

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

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

- 37 (1) a qualified license is:
38 (A) zero dollars (\$0) for a five (5) year qualified license;
39 (B) twenty-five dollars (\$25) for a lifetime qualified license
40 from a person who does not currently possess a valid Indiana
41 handgun license; and
42 (C) twenty dollars (\$20) for a lifetime qualified license from



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



1 commits a Class B misdemeanor.

2 SECTION 18. IC 35-47-2-5, AS AMENDED BY P.L.107-2019,
3 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 5. (a) The superintendent may suspend or revoke
5 any **reciprocity** license issued under this chapter if the superintendent
6 has reasonable grounds to believe that the person's **reciprocity** license
7 should be suspended or revoked.

8 (b) Documented evidence that a person is not a "proper person" to
9 be licensed as defined by IC 35-47-1-7, or is prohibited under section
10 3(h)(5) of this chapter from being issued a **reciprocity** license, shall be
11 grounds for immediate suspension or revocation of a **reciprocity**
12 license previously issued under this chapter. However, if a **reciprocity**
13 license is suspended or revoked based solely on an arrest under section
14 3(h)(5) of this chapter, the **reciprocity** license shall be reinstated upon
15 the acquittal of the defendant in that case or upon the dismissal of the
16 charges for the specific offense.

17 (c) A person who knowingly or intentionally fails to promptly return
18 the person's **reciprocity** license after written notice of suspension or
19 revocation commits a Class A misdemeanor. The observation of a
20 ~~handgun~~ **reciprocity** license in the possession of a person whose
21 **reciprocity** license has been suspended or revoked constitutes a
22 sufficient basis for the arrest of that person for violation of this
23 subsection.

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

27 SECTION 19. IC 35-47-2-17, AS AMENDED BY P.L.158-2013,
28 SECTION 581, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) No person, in purchasing or
30 otherwise securing delivery of a firearm or in applying for a
31 **reciprocity** license, ~~to carry a handgun~~, shall knowingly or
32 intentionally:

- 33 (1) give false information on a form required to:
34 (A) purchase or secure delivery of a firearm; or
35 (B) apply for a **reciprocity** license; ~~to carry a handgun~~; or
36 (2) offer false evidence of identity.

37 In addition to any penalty provided by this chapter, any firearm
38 obtained through false information shall be subject to confiscation and
39 disposition as provided in this chapter. Upon notice of a violation of
40 this section by the superintendent, it shall be the duty of the sheriff or
41 chief of police or corresponding officer of the jurisdiction in which the
42 purchaser resides to confiscate the firearm and retain it as evidence



1 pending trial for the offense.

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

4 SECTION 20. IC 35-47-2-20 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20. (a) A full pardon
6 from the governor of Indiana for:

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

8 (2) a violation of this chapter;

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

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

13 (1) a felony; or

14 (2) a violation of this chapter;

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

19 SECTION 21. IC 35-47-2-22 IS REPEALED [EFFECTIVE JULY
20 1, 2021]. Sec. 22: (a) It is unlawful for any person to use; or to attempt
21 to use; a false; counterfeit; spurious; or altered handgun-carrying
22 license to obtain a handgun contrary to the provisions of this chapter.

23 (b) A person who knowingly or intentionally violates this section
24 commits a Level 6 felony.

25 SECTION 22. IC 35-47-2-24 IS REPEALED [EFFECTIVE JULY
26 1, 2021]. Sec. 24: (a) In an information or indictment brought for the
27 enforcement of any provision of this chapter, it is not necessary to
28 negate any exemption specified under this chapter; or to allege the
29 absence of a license required under this chapter. The burden of proof
30 is on the defendant to prove that he is exempt under section 2 of this
31 chapter; or that he has a license as required under this chapter.

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

38 SECTION 23. IC 35-47-2.5-1, AS AMENDED BY P.L.152-2014,
39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2021]: Sec. 1. (a) Sections 2 through 5 of this chapter do not
41 apply to the following:

42 (1) Transactions between persons who are licensed as firearms



- 1 importers or collectors or firearms manufacturers or dealers under
- 2 18 U.S.C. 923.
- 3 (2) Purchases by or sales to a law enforcement officer or agent of
- 4 the United States, the state, or a county or local government.
- 5 (3) Indiana residents ~~licensed to carry handguns under~~
- 6 ~~IC 35-47-2-3~~. **in possession of a reciprocity license described**
- 7 **in IC 35-47-2-3.**
- 8 (b) Notwithstanding any other provision of this chapter, the state
- 9 shall participate in the NICS if federal funds are available to assist the
- 10 state in participating in the NICS. If:
- 11 (1) the state participates in the NICS; and
- 12 (2) there is a conflict between:
- 13 (A) a provision of this chapter; and
- 14 (B) a procedure required under the NICS;
- 15 the procedure required under the NICS prevails over the conflicting
- 16 provision of this chapter.
- 17 SECTION 24. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,
- 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2021]: Sec. 4. This chapter may not be construed to prevent
- 20 any of the following:
- 21 (1) A law enforcement agency of a political subdivision from
- 22 enacting and enforcing regulations pertaining to firearms,
- 23 ammunition, or firearm accessories issued to or used by law
- 24 enforcement officers in the course of their official duties.
- 25 (2) Subject to IC 34-28-7-2, an employer from regulating or
- 26 prohibiting the employees of the employer from carrying firearms
- 27 and ammunition in the course of the employee's official duties.
- 28 (3) A court or administrative law judge from hearing and
- 29 resolving any case or controversy or issuing any opinion or order
- 30 on a matter within the jurisdiction of the court or judge.
- 31 (4) The enactment or enforcement of generally applicable zoning
- 32 or business ordinances that apply to firearms businesses to the
- 33 same degree as other similar businesses. However, a provision of
- 34 an ordinance that is designed or enforced to effectively restrict or
- 35 prohibit the sale, purchase, transfer, manufacture, or display of
- 36 firearms, ammunition, or firearm accessories that is otherwise
- 37 lawful under the laws of this state is void. A unit (as defined in
- 38 IC 36-1-2-23) may not use the unit's planning and zoning powers
- 39 under IC 36-7-4 to prohibit the sale of firearms within a
- 40 prescribed distance of any other type of commercial property or
- 41 of school property or other educational property.
- 42 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a



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



- 1 by the unit if:
- 2 (A) metal detection devices are located at each public entrance
- 3 to the building;
- 4 (B) each public entrance to the building is staffed by at least
- 5 one (1) law enforcement officer:
- 6 (i) who has been adequately trained to conduct inspections
- 7 of persons entering the building by use of metal detection
- 8 devices and proper physical pat down searches; and
- 9 (ii) when the building is open to the public; and
- 10 (C) each:
- 11 (i) individual who enters the building through the public
- 12 entrance when the building is open to the public; and
- 13 (ii) bag, package, and other container carried by the
- 14 individual;
- 15 is inspected by a law enforcement officer described in clause
- 16 (B).
- 17 However, except as provided in subdivision (5) concerning a
- 18 building that contains a courtroom, a unit may not prohibit or
- 19 restrict the possession of a handgun under this subdivision in a
- 20 building owned or administered by the unit if the person who
- 21 possesses the handgun ~~has been issued a valid license to carry the~~
- 22 ~~handgun under IC 35-47-2. is not otherwise prohibited from~~
- 23 **carrying or possessing a handgun.**
- 24 SECTION 25. IC 35-47-14-6, AS AMENDED BY P.L.142-2020,
- 25 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2021]: Sec. 6. (a) The court shall conduct a hearing as
- 27 required under this chapter.
- 28 (b) The state has the burden of proving all material facts by clear
- 29 and convincing evidence.
- 30 (c) If the court determines that the state has proved by clear and
- 31 convincing evidence that the individual is dangerous, the court shall
- 32 issue a written order:
- 33 (1) finding the individual is dangerous (as defined in section 1 of
- 34 this chapter);
- 35 (2) ordering the law enforcement agency having custody of the
- 36 seized firearm to retain the firearm;
- 37 (3) ordering the individual's **reciprocity** license, ~~to carry a~~
- 38 ~~handgun~~, if applicable, suspended; and
- 39 (4) enjoining the individual from:
- 40 (A) renting;
- 41 (B) receiving transfer of;
- 42 (C) owning; or



- 1 (D) possessing;
 2 a firearm; and
 3 determine whether the individual should be referred to further
 4 proceedings to consider whether the individual should be involuntarily
 5 detained or committed under IC 12-26-6-2(a)(2)(B).
- 6 (d) If the court finds that the individual is dangerous under
 7 subsection (c), the clerk shall transmit the order of the court to the
 8 office of judicial administration:
 9 (1) for transmission to NICS (as defined in IC 35-47-2.5-2.5); and
 10 (2) beginning July 1, 2021, for the collection of certain data
 11 related to the confiscation and retention of firearms taken from
 12 dangerous individuals;
 13 in accordance with IC 33-24-6-3.
- 14 (e) If the court orders a law enforcement agency to retain a firearm,
 15 the law enforcement agency shall retain the firearm until the court
 16 orders the firearm returned or otherwise disposed of.
- 17 (f) If the court determines that the state has failed to prove by clear
 18 and convincing evidence that the individual is dangerous, the court
 19 shall issue a written order that:
 20 (1) the individual is not dangerous (as defined in section 1 of this
 21 chapter); and
 22 (2) the law enforcement agency having custody of the firearm
 23 shall return the firearm as quickly as practicable, but not later
 24 than five (5) days after the date of the order, to the individual
 25 from whom it was seized.
- 26 SECTION 26. IC 35-50-2-11, AS AMENDED BY P.L.157-2016,
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2021]: Sec. 11. (a) As used in this section, "firearm" has the
 29 meaning set forth in IC 35-47-1-5.
- 30 **(b) As used in this section, "first responder" means an**
 31 **individual:**
 32 **(1) who is employed by, or volunteers for, a public safety**
 33 **agency; and**
 34 **(2) whose duties include responding rapidly to an emergency.**
- 35 ~~(b)~~ (c) As used in this section, "offense" means:
 36 (1) a felony under IC 35-42 that resulted in death or serious bodily
 37 injury;
 38 (2) kidnapping; or
 39 (3) criminal confinement as a Level 2 or Level 3 felony.
- 40 ~~(e)~~ (d) As used in this section, "police officer" means any of the
 41 following:
 42 (1) A state police officer.



- 1 (2) A county sheriff.
 2 (3) A county police officer.
 3 (4) A city police officer.
 4 (5) A state educational institution police officer appointed under
 5 IC 21-39-4.
 6 (6) A school corporation police officer appointed under
 7 IC 20-26-16.
 8 (7) A police officer of a public or private postsecondary
 9 educational institution whose board of trustees has established a
 10 police department under IC 21-17-5-2 or IC 21-39-4-2.
 11 (8) An enforcement officer of the alcohol and tobacco
 12 commission.
 13 (9) A conservation officer.
 14 (10) A gaming agent employed under IC 4-33-4.5 or a gaming
 15 control officer employed by the gaming control division under
 16 IC 4-33-20.

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

22 ~~(e)~~ (f) The state may seek, on a page separate from the rest of a
 23 charging instrument, to have a person who allegedly committed a
 24 felony or misdemeanor other than an offense (as defined under
 25 subsection ~~(b)~~ (c)) sentenced to an additional fixed term of
 26 imprisonment if the state can show beyond a reasonable doubt that the
 27 person, while committing the felony or misdemeanor, knowingly or
 28 intentionally

- 29 ~~(1)~~ pointed a firearm or
 30 ~~(2)~~ discharged a firearm

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

- 33 (1) police officer; or
 34 (2) **first responder acting within the scope of the first**
 35 **responder's duties while:**
 36 (A) **attending to an emergency; or**
 37 (B) **responding to an emergency.**

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

- 39 (1) the offense under subsection ~~(d)~~; (e); or
 40 (2) the felony or misdemeanor under subsection ~~(e)~~; (f);

41 in a jury trial, the jury shall reconvene to hear evidence in the
 42 enhancement hearing. If the trial was to the court, or the judgment was



1 entered on a guilty plea, the court alone shall hear evidence in the
2 enhancement hearing.

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

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

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

14 ~~(2)~~ discharged a firearm

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

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

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

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

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

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

24 ~~(i)~~ **(j)** A person may not be sentenced under subsections ~~(g)~~ **(h)** and
25 ~~(h)~~ **(i)** for offenses, felonies, and misdemeanors comprising a single
26 episode of criminal conduct.

27 SECTION 27. IC 35-50-2-13, AS AMENDED BY P.L.84-2015,
28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2021]: Sec. 13. (a) The state may seek, on a page separate
30 from the rest of a charging instrument, to have a person who allegedly
31 committed an offense of dealing in a controlled substance under
32 IC 35-48-4-1 through IC 35-48-4-4 sentenced to an additional fixed
33 term of imprisonment if the state can show beyond a reasonable doubt
34 that the person knowingly or intentionally:

35 (1) used a firearm; or

36 (2) possessed a:

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

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

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

40 while committing the offense.

41 (b) If the person was convicted of the offense in a jury trial, the jury
42 shall reconvene to hear evidence in the enhancement hearing. If the



1 trial was to the court, or the judgment was entered on a guilty plea, the
2 court alone shall hear evidence in the enhancement hearing.

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

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

12 (2) If the firearm is a machine gun or is equipped with a firearm
13 silencer or firearm muffler, the court may sentence the person to
14 an additional fixed term of imprisonment of not more than twenty
15 (20) years. The additional sentence under this subdivision is in
16 addition to any additional sentence imposed under section 11 of
17 this chapter for use of a firearm in the commission of an offense.

