



January 6, 2022

HOUSE BILL No. 1077

DIGEST OF HB 1077 (Updated January 5, 2022 6:22 pm - DI 140)

Citations Affected: IC 5-2; IC 11-13; IC 14-16; IC 31-30; IC 35-31.5; IC 35-33; IC 35-43; IC 35-47; IC 35-50.

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" and specifies the penalties for committing this crime. Allows particular individuals who do not meet the requirements to receive a handgun license and are not otherwise prohibited to carry a handgun in limited places. Allows a resident of Indiana to obtain in certain circumstances a license to carry a handgun in Indiana. Makes theft of a firearm a Level 5 felony. Defines certain terms. Makes conforming amendments and repeals obsolete provisions.

Effective: July 1, 2022.

Smaltz, Lehman

January 4, 2022, read first time and referred to Committee on Public Policy.
January 6, 2022, reported — Do Pass.

HB 1077—LS 6915/DI 144



January 6, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1077

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.187-2021,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: 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,

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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 (11) Minimum standards for ongoing specialized, intensive, and
 13 integrative training for persons responsible for investigating
 14 sexual assault cases involving adult victims. This training must
 15 include instruction on:
 16 (A) the neurobiology of trauma;
 17 (B) trauma informed interviewing; and
 18 (C) investigative techniques.
- 19 (12) Minimum standards for de-escalation training. De-escalation
 20 training shall be taught as a part of existing use-of-force training
 21 and not as a separate topic.
- 22 (b) A law enforcement officer appointed after July 5, 1972, and
 23 before July 1, 1993, may not enforce the laws or ordinances of the state
 24 or any political subdivision unless the officer has, within one (1) year
 25 from the date of appointment, successfully completed the minimum
 26 basic training requirements established under this chapter by the board.
 27 If a person fails to successfully complete the basic training
 28 requirements within one (1) year from the date of employment, the
 29 officer may not perform any of the duties of a law enforcement officer
 30 involving control or direction of members of the public or exercising
 31 the power of arrest until the officer has successfully completed the
 32 training requirements. This subsection does not apply to any law
 33 enforcement officer appointed before July 6, 1972, or after June 30,
 34 1993.
- 35 (c) Military leave or other authorized leave of absence from law
 36 enforcement duty during the first year of employment after July 6,
 37 1972, shall toll the running of the first year, which shall be calculated
 38 by the aggregate of the time before and after the leave, for the purposes
 39 of this chapter.
- 40 (d) Except as provided in subsections (e), (m), (t), and (u), a law
 41 enforcement officer appointed to a law enforcement department or
 42 agency after June 30, 1993, may not:



- 1 (1) make an arrest;
 2 (2) conduct a search or a seizure of a person or property; or
 3 (3) carry a firearm;
 4 unless the law enforcement officer successfully completes, at a board
 5 certified law enforcement academy or at a law enforcement training
 6 center under section 10.5 or 15.2 of this chapter, the basic training
 7 requirements established by the board under this chapter.
 8 (e) This subsection does not apply to:
 9 (1) a gaming agent employed as a law enforcement officer by the
 10 Indiana gaming commission; or
 11 (2) an:
 12 (A) attorney; or
 13 (B) investigator;
 14 designated by the securities commissioner as a police officer of
 15 the state under IC 23-19-6-1(k).
 16 Before a law enforcement officer appointed after June 30, 1993,
 17 completes the basic training requirements, the law enforcement officer
 18 may exercise the police powers described in subsection (d) if the
 19 officer successfully completes the pre-basic course established in
 20 subsection (f). Successful completion of the pre-basic course authorizes
 21 a law enforcement officer to exercise the police powers described in
 22 subsection (d) for one (1) year after the date the law enforcement
 23 officer is appointed.
 24 (f) The board shall adopt rules under IC 4-22-2 to establish a
 25 pre-basic course for the purpose of training:
 26 (1) law enforcement officers;
 27 (2) police reserve officers (as described in IC 36-8-3-20); and
 28 (3) conservation reserve officers (as described in IC 14-9-8-27);
 29 regarding the subjects of arrest, search and seizure, the lawful use of
 30 force, de-escalation training, interacting with individuals with autism,
 31 and the operation of an emergency vehicle. The pre-basic course must
 32 be offered on a periodic basis throughout the year at regional sites
 33 statewide. The pre-basic course must consist of at least forty (40) hours
 34 of course work. The board may prepare the classroom part of the
 35 pre-basic course using available technology in conjunction with live
 36 instruction. The board shall provide the course material, the instructors,
 37 and the facilities at the regional sites throughout the state that are used
 38 for the pre-basic course. In addition, the board may certify pre-basic
 39 courses that may be conducted by other public or private training
 40 entities, including postsecondary educational institutions.
 41 (g) Subject to subsection (h), the board shall adopt rules under
 42 IC 4-22-2 to establish a mandatory inservice training program for



1 police officers and police reserve officers (as described in
2 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
3 satisfactorily completed basic training and has been appointed to a law
4 enforcement department or agency on either a full-time or part-time
5 basis is not eligible for continued employment unless the officer
6 satisfactorily completes the mandatory inservice training requirements
7 established by rules adopted by the board. Inservice training must
8 include de-escalation training. Inservice training must also include
9 training in interacting with persons with mental illness, addictive
10 disorders, intellectual disabilities, autism, developmental disabilities,
11 and Alzheimer's disease or related senile dementia, to be provided by
12 persons approved by the secretary of family and social services and the
13 board, and training concerning human and sexual trafficking and high
14 risk missing persons (as defined in IC 5-2-17-1). The board may
15 approve courses offered by other public or private training entities,
16 including postsecondary educational institutions, as necessary in order
17 to ensure the availability of an adequate number of inservice training
18 programs. The board may waive an officer's inservice training
19 requirements if the board determines that the officer's reason for
20 lacking the required amount of inservice training hours is due to either
21 an emergency situation or the unavailability of courses.

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

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

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

35 If the board does not satisfy the requirements of this subsection, the
36 modification or addition is void. This subsection does not authorize the
37 board to eliminate any inservice training subject matter required under
38 subsection (g).

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

41 (1) The program must require fewer hours of instruction and class
42 attendance and fewer courses of study than are required for the



- 1 mandated basic training program.
- 2 (2) Certain parts of the course materials may be studied by a
3 candidate at the candidate's home in order to fulfill requirements
4 of the program.
- 5 (3) Law enforcement officers successfully completing the
6 requirements of the program are eligible for appointment only in
7 towns employing the town marshal system (IC 36-5-7) and having
8 not more than one (1) marshal and two (2) deputies.
- 9 (4) The limitation imposed by subdivision (3) does not apply to an
10 officer who has successfully completed the mandated basic
11 training program.
- 12 (5) The time limitations imposed by subsections (b) and (c) for
13 completing the training are also applicable to the town marshal
14 basic training program.
- 15 (6) The program must require training in interacting with
16 individuals with autism.
- 17 (j) The board shall adopt rules under IC 4-22-2 to establish an
18 executive training program. The executive training program must
19 include training in the following areas:
- 20 (1) Liability.
- 21 (2) Media relations.
- 22 (3) Accounting and administration.
- 23 (4) Discipline.
- 24 (5) Department policy making.
- 25 (6) Lawful use of force and de-escalation training.
- 26 (7) Department programs.
- 27 (8) Emergency vehicle operation.
- 28 (9) Cultural diversity.
- 29 (k) A police chief shall apply for admission to the executive training
30 program within two (2) months of the date the police chief initially
31 takes office. A police chief must successfully complete the executive
32 training program within six (6) months of the date the police chief
33 initially takes office. However, if space in the executive training
34 program is not available at a time that will allow completion of the
35 executive training program within six (6) months of the date the police
36 chief initially takes office, the police chief must successfully complete
37 the next available executive training program that is offered after the
38 police chief initially takes office.
- 39 (l) A police chief who fails to comply with subsection (k) may not
40 continue to serve as the police chief until completion of the executive
41 training program. For the purposes of this subsection and subsection
42 (k), "police chief" refers to:



- 1 (1) the police chief of any city;
 2 (2) the police chief of any town having a metropolitan police
 3 department; and
 4 (3) the chief of a consolidated law enforcement department
 5 established under IC 36-3-1-5.1.
- 6 A town marshal is not considered to be a police chief for these
 7 purposes, but a town marshal may enroll in the executive training
 8 program.
- 9 (m) A fire investigator in the department of homeland security
 10 appointed after December 31, 1993, is required to comply with the
 11 basic training standards established under this chapter.
- 12 (n) The board shall adopt rules under IC 4-22-2 to establish a
 13 program to certify handgun safety courses, including courses offered
 14 in the private sector, that meet standards approved by the board for
 15 training probation officers in handgun safety as required by
 16 ~~IC 11-13-1-3.5(3)~~. **IC 11-13-1-3.5(2)**.
- 17 (o) The board shall adopt rules under IC 4-22-2 to establish a
 18 refresher course for an officer who:
- 19 (1) is hired by an Indiana law enforcement department or agency
 20 as a law enforcement officer;
- 21 (2) has not been employed as a law enforcement officer for:
- 22 (A) at least two (2) years; and
 23 (B) less than six (6) years before the officer is hired under
 24 subdivision (1); and
- 25 (3) completed at any time a basic training course certified or
 26 recognized by the board before the officer is hired under
 27 subdivision (1).
- 28 (p) An officer to whom subsection (o) applies must successfully
 29 complete the refresher course described in subsection (o) not later than
 30 six (6) months after the officer's date of hire, or the officer loses the
 31 officer's powers of:
- 32 (1) arrest;
 33 (2) search; and
 34 (3) seizure.
- 35 (q) The board shall adopt rules under IC 4-22-2 to establish a
 36 refresher course for an officer who:
- 37 (1) is appointed by an Indiana law enforcement department or
 38 agency as a reserve police officer; and
 39 (2) has not worked as a reserve police officer for at least two (2)
 40 years after:
- 41 (A) completing the pre-basic course; or
 42 (B) leaving the individual's last appointment as a reserve



1 police officer.

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

5 (r) This subsection applies to an individual who, at the time the
6 individual completes a board certified or recognized basic training
7 course, has not been appointed as a law enforcement officer by an
8 Indiana law enforcement department or agency. If the individual is not
9 employed as a law enforcement officer for at least two (2) years after
10 completing the basic training course, the individual must successfully
11 retake and complete the basic training course as set forth in subsection
12 (d).

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

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

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

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

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

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

29 (2) the agent successfully completes any other training courses
30 established by the Indiana gaming commission in conjunction
31 with the board.

32 (u) This subsection applies only to a securities enforcement officer
33 designated as a law enforcement officer by the securities
34 commissioner. A securities enforcement officer may exercise the police
35 powers described in subsection (d) if:

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

38 (2) the securities enforcement officer successfully completes any
39 other training courses established by the securities commissioner
40 in conjunction with the board.

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



- 1 (1) If the authorized size of the department or town marshal
 2 system is not more than ten (10) members, the term refers to the
 3 position held by the police chief or town marshal.
- 4 (2) If the authorized size of the department or town marshal
 5 system is more than ten (10) members but less than fifty-one (51)
 6 members, the term refers to:
- 7 (A) the position held by the police chief or town marshal; and
 8 (B) each position held by the members of the police
 9 department or town marshal system in the next rank and pay
 10 grade immediately below the police chief or town marshal.
- 11 (3) If the authorized size of the department or town marshal
 12 system is more than fifty (50) members, the term refers to:
- 13 (A) the position held by the police chief or town marshal; and
 14 (B) each position held by the members of the police
 15 department or town marshal system in the next two (2) ranks
 16 and pay grades immediately below the police chief or town
 17 marshal.
- 18 (w) This subsection applies only to a correctional police officer
 19 employed by the department of correction. A correctional police officer
 20 may exercise the police powers described in subsection (d) if:
- 21 (1) the officer successfully completes the pre-basic course
 22 described in subsection (f); and
 23 (2) the officer successfully completes any other training courses
 24 established by the department of correction in conjunction with
 25 the board.
- 26 (x) This subsection applies only to the sexual assault training
 27 described in subsection (a)(11). The board shall:
- 28 (1) consult with experts on the neurobiology of trauma, trauma
 29 informed interviewing, and investigative techniques in developing
 30 the sexual assault training; and
 31 (2) develop the sexual assault training and begin offering the
 32 training not later than July 1, 2022.
- 33 (y) After July 1, 2023, a law enforcement officer who regularly
 34 investigates sexual assaults involving adult victims must complete the
 35 training requirements described in subsection (a)(11) within one (1)
 36 year of being assigned to regularly investigate sexual assaults involving
 37 adult victims.
- 38 (z) A law enforcement officer who regularly investigates sexual
 39 assaults involving adult victims may complete the training
 40 requirements described in subsection (a)(11) by attending a:
- 41 (1) statewide or national training; or
 42 (2) department hosted local training.



1 (aa) Notwithstanding any other provisions of this section, the board
2 is authorized to establish certain required standards of training and
3 procedure.

4 SECTION 2. IC 11-13-1-3.5, AS AMENDED BY P.L.4-2017,
5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2022]: Sec. 3.5. A probation officer may not carry a handgun
7 ~~as described in IC 35-47-2-1~~ **in any vehicle or on or about the**
8 **probation officer's body** while acting in the scope of employment as
9 a probation officer unless all of the following conditions are met:

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

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

14 ~~(3)~~ **(2)** The probation officer successfully completes a handgun
15 safety course certified by the law enforcement training board
16 under IC 5-2-1-9(n).

17 SECTION 3. IC 14-16-1-23, AS AMENDED BY P.L.35-2011,
18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2022]: Sec. 23. (a) An individual shall not operate a vehicle
20 under any of the following conditions:

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

24 (2) While:

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

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

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

31 (4) In a forest nursery, a planting area, or public land posted or
32 reasonably identified as an area of forest or plant reproduction
33 and when growing stock may be damaged.

34 (5) On the frozen surface of public waters within:

35 (A) one hundred (100) feet of an individual not in or upon a
36 vehicle; or

37 (B) one hundred (100) feet of a fishing shanty or shelter;
38 except at a speed of not more than five (5) miles per hour.

39 (6) Unless the vehicle is equipped with a muffler in good working
40 order and in constant operation to prevent excessive or unusual
41 noise and annoying smoke.

42 (7) Within one hundred (100) feet of a dwelling between midnight



- 1 and 6:00 a.m., except on the individual's own property or property
- 2 under the individual's control or as an invited guest.
- 3 (8) On any property without the consent of the landowner or
- 4 tenant.
- 5 (9) While transporting on or in the vehicle a firearm, unless the
- 6 firearm is:
- 7 (A) unloaded; and
- 8 (B) securely encased or equipped with and made inoperative
- 9 by a manufactured keylocked trigger housing mechanism.
- 10 (10) On or across a cemetery or burial ground.
- 11 (11) Within one hundred (100) feet of a slide, ski, or skating area,
- 12 except for the purpose of servicing the area.
- 13 (12) On a railroad track or railroad right-of-way, except railroad
- 14 personnel in the performance of duties.
- 15 (13) In or upon a flowing river, stream, or creek, except for the
- 16 purpose of crossing by the shortest possible route, unless the
- 17 river, stream, or creek is of sufficient water depth to permit
- 18 movement by flotation of the vehicle at all times.
- 19 (14) An individual shall not operate a vehicle while a bow is
- 20 present in or on the vehicle if the nock of an arrow is in position
- 21 on the string of the bow.
- 22 (b) Subsection (a)(9) does not apply to a person who is carrying a
- 23 firearm:
- 24 (1) if:
- 25 (A) the firearm is a handgun; and
- 26 (B) the person ~~has been issued an unlimited handgun license~~
- 27 ~~to carry a handgun under IC 35-47-2; is not otherwise~~
- 28 **prohibited from possessing a firearm under state or**
- 29 **federal law;**
- 30 ~~(2) if:~~
- 31 ~~(A) the firearm is a handgun; and~~
- 32 ~~(B) the person is not required to possess a license to carry a~~
- 33 ~~handgun under IC 35-47-2-2; or~~
- 34 ~~(3) (2) if the person carrying the firearm is operating the vehicle~~
- 35 ~~on property that the person:~~
- 36 ~~(A) owns;~~
- 37 ~~(B) has a contractual interest in;~~
- 38 ~~(C) otherwise legally possesses; or~~
- 39 ~~(D) has permission from a person described in clauses (A)~~
- 40 ~~through (C) to possess a firearm on.~~
- 41 SECTION 4. IC 31-30-1-4, AS AMENDED BY P.L.28-2016,
- 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 4. (a) The juvenile court does not have jurisdiction
2 over an individual for an alleged violation of:

- 3 (1) IC 35-41-5-1(a) (attempted murder);
4 (2) IC 35-42-1-1 (murder);
5 (3) IC 35-42-3-2 (kidnapping);
6 (4) IC 35-42-4-1 (rape);
7 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
8 (6) IC 35-42-5-1 (robbery) if:
9 (A) the robbery was committed while armed with a deadly
10 weapon; or
11 (B) the robbery results in bodily injury or serious bodily
12 injury;
13 (7) IC 35-42-5-2 (carjacking) (before its repeal);
14 (8) ~~IC 35-47-2-1 (carrying a handgun without a license);~~ if
15 **charged as a felony; IC 35-47-2-1.5 (unlawful carrying of a**
16 **handgun) if the violation of IC 35-47-2-1.5 occurred during**
17 **the commission of another crime;**
18 (9) IC 35-47-10 (children and firearms), if charged as a felony; or
19 (10) any offense that may be joined under IC 35-34-1-9(a)(2) with
20 any crime listed in this subsection;

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

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

28 (c) If:

- 29 (1) an individual described in subsection (a) is charged with one
30 (1) or more offenses listed in subsection (a);
31 (2) all the charges under subsection (a)(1) through (a)(9) resulted
32 in an acquittal or were dismissed; and
33 (3) the individual pleads guilty to or is convicted of any offense
34 other than an offense listed in subsection (a)(1) through (a)(9);

35 the court having adult criminal jurisdiction may withhold judgment and
36 transfer jurisdiction to the juvenile court for adjudication and
37 disposition. In determining whether to transfer jurisdiction to the
38 juvenile court for adjudication and disposition, the court having adult
39 criminal jurisdiction shall consider whether there are appropriate
40 services available in the juvenile justice system, whether the child is
41 amenable to rehabilitation under the juvenile justice system, and
42 whether it is in the best interests of the safety and welfare of the



1 community that the child be transferred to juvenile court. All orders
 2 concerning release conditions remain in effect until a juvenile court
 3 detention hearing, which must be held not later than forty-eight (48)
 4 hours, excluding Saturdays, Sundays, and legal holidays, after the order
 5 of transfer of jurisdiction.

6 SECTION 5. IC 35-31.5-2-78, AS AMENDED BY P.L.40-2019,
 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2022]: Sec. 78. "Crime of domestic violence", for purposes of
 9 IC 5-2-6.1, IC 35-38-9, **IC 35-47-2-1.5**, and IC 35-47-4-7, means an
 10 offense or the attempt to commit an offense that:

11 (1) has as an element the:

12 (A) use of physical force; or

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

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

16 SECTION 6. IC 35-33-1-1, AS AMENDED BY P.L.65-2016,
 17 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2022]: Sec. 1. (a) A law enforcement officer may arrest a
 19 person when the officer has:

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

21 (2) probable cause to believe the person has committed or
 22 attempted to commit, or is committing or attempting to commit,
 23 a felony;

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

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

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

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

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

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

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

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

38 **IC 35-47-2-1.5 (unlawful carrying of a handgun)** or
 39 IC 35-47-2-22 (counterfeit handgun license);

40 (8) probable cause to believe that the person is violating or has
 41 violated an order issued under IC 35-50-7;

42 (9) probable cause to believe that the person is violating or has



- 1 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
- 2 device);
- 3 (10) probable cause to believe that the person is:
- 4 (A) violating or has violated IC 35-45-2-5 (interference with
- 5 the reporting of a crime); and
- 6 (B) interfering with or preventing the reporting of a crime
- 7 involving domestic or family violence (as defined in
- 8 IC 34-6-2-34.5);
- 9 (11) probable cause to believe that the person has committed theft
- 10 (IC 35-43-4-2);
- 11 (12) a removal order issued for the person by an immigration
- 12 court;
- 13 (13) a detainer or notice of action for the person issued by the
- 14 United States Department of Homeland Security; or
- 15 (14) probable cause to believe that the person has been indicted
- 16 for or convicted of one (1) or more aggravated felonies (as
- 17 defined in 8 U.S.C. 1101(a)(43)).
- 18 (b) A person who:
- 19 (1) is employed full time as a federal enforcement officer;
- 20 (2) is empowered to effect an arrest with or without warrant for a
- 21 violation of the United States Code; and
- 22 (3) is authorized to carry firearms in the performance of the
- 23 person's duties;
- 24 may act as an officer for the arrest of offenders against the laws of this
- 25 state where the person reasonably believes that a felony has been or is
- 26 about to be committed or attempted in the person's presence.
- 27 SECTION 7. IC 35-43-4-2, AS AMENDED BY P.L.70-2021,
- 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2022]: Sec. 2. (a) A person who knowingly or intentionally
- 30 exerts unauthorized control over property of another person, with intent
- 31 to deprive the other person of any part of its value or use, commits
- 32 theft, a Class A misdemeanor. However, the offense is:
- 33 (1) a Level 6 felony if:
- 34 (A) the value of the property is at least seven hundred fifty
- 35 dollars (\$750) and less than fifty thousand dollars (\$50,000);
- 36 (B) the property is a:
- 37 (i) ~~firearm~~;
- 38 (ii) (i) motor vehicle (as defined in IC 9-13-2-105(a)); or
- 39 (iii) (ii) component part (as defined in IC 9-13-2-34) of a
- 40 motor vehicle; or
- 41 (C) the person has a prior unrelated conviction for:
- 42 (i) theft under this section;



1 (ii) criminal conversion under section 3 of this chapter;
 2 (iii) robbery under IC 35-42-5-1; or
 3 (iv) burglary under IC 35-43-2-1; ~~and~~
 4 (2) a Level 5 felony if:
 5 (A) the value of the property is at least fifty thousand dollars
 6 (\$50,000);
 7 (B) the property that is the subject of the theft is a valuable
 8 metal (as defined in IC 25-37.5-1-1) and:
 9 (i) relates to transportation safety;
 10 (ii) relates to public safety; or
 11 (iii) is taken from a hospital or other health care facility,
 12 telecommunications provider, public utility (as defined in
 13 IC 32-24-1-5.9(a)), or critical infrastructure facility;
 14 and the absence of the property creates a substantial risk of
 15 bodily injury to a person; or
 16 (C) the property is a:
 17 (i) motor vehicle (as defined in IC 9-13-2-105(a)); or
 18 (ii) component part (as defined in IC 9-13-2-34) of a motor
 19 vehicle; and
 20 the person has a prior unrelated conviction for theft of a motor
 21 vehicle (as defined in IC 9-13-2-105(a)) or theft of a
 22 component part (as defined in IC 9-13-2-34); **and**
 23 **(3) a Level 5 felony if the property is a firearm.**
 24 (b) For purposes of this section, "the value of property" means:
 25 (1) the fair market value of the property at the time and place the
 26 offense was committed; or
 27 (2) if the fair market value of the property cannot be satisfactorily
 28 determined, the cost to replace the property within a reasonable
 29 time after the offense was committed.
 30 A price tag or price marking on property displayed or offered for sale
 31 constitutes prima facie evidence of the value of the property.
 32 (c) If the offense described in subsection (a) is committed by a
 33 public servant who exerted unauthorized control over public funds (as
 34 defined by IC 5-22-2-23) from the public servant's employer, the
 35 employer may be reimbursed in accordance with IC 2-3.5-4-11,
 36 IC 2-3.5-5-9, IC 5-10-5.5-19, IC 5-10.3-8-9, IC 5-10.4-5-14,
 37 IC 10-12-2-10, IC 33-38-6-19.5, IC 33-39-7-10.5, IC 36-8-6-14,
 38 IC 36-8-7-22, IC 36-8-7.5-19, or IC 36-8-8-17.
 39 SECTION 8. IC 35-47-2-1, AS AMENDED BY P.L.221-2017,
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2022]: Sec. 1. (a) ~~Except as provided in subsections (b) and~~
 42 ~~(c) and sections 2 through 2.1 of this chapter, a person shall not carry~~



1 a handgun in any vehicle or on or about the person's body without
 2 being licensed under this chapter to carry a handgun. A person who
 3 meets the following requirements may carry a handgun in the
 4 manner described in subsection (b):

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

7 (2) Notwithstanding section 1.5 of this chapter, the person is
 8 not otherwise prohibited under state law from possessing or
 9 carrying a handgun.

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

13 (b) Except as provided in subsection (c), A person may carry a
 14 handgun without being licensed under this chapter to carry a handgun
 15 if:

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

19 (2) the person carries the handgun on or about the person's body
 20 while lawfully present in or on property that is owned, leased,
 21 rented, or otherwise legally controlled by another person, if the
 22 person:

23 (A) has the consent of the owner, renter, lessor, or person who
 24 legally controls the property to have the handgun on the
 25 premises;

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

29 (C) is on the property to receive firearms related services,
 30 including the repair, maintenance, or modification of a
 31 firearm;

32 (3) the person carries the handgun in a vehicle that is owned,
 33 leased, rented, or otherwise legally controlled by the person, if the
 34 handgun is:

35 (A) unloaded;

36 (B) not readily accessible; and

37 (C) secured in a case;

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

41 (A) unloaded;

42 (B) not readily accessible; and



- 1 (C) secured in a case; **or**
 2 (5) the person carries the handgun:
 3 (A) at a shooting range (as defined in IC 14-22-31.5-3);
 4 (B) while attending a firearms instructional course; or
 5 (C) while engaged in a legal hunting activity. **or**
 6 ~~(6) the person is permitted to carry a handgun without a license~~
 7 ~~under section 2.1 of this chapter (persons protected by a~~
 8 ~~protection order).~~
 9 (c) Unless the person's right to possess a firearm has been restored
 10 under IC 35-47-4-7, a person who has been convicted of domestic
 11 battery under IC 35-42-2-1.3 may not possess or carry a handgun.
 12 ~~(d) (c) This section chapter~~ may not be construed:
 13 (1) to prohibit a person who owns, leases, rents, or otherwise
 14 legally controls private property from regulating or prohibiting the
 15 possession of firearms on the private property;
 16 (2) to allow a person to adopt or enforce an ordinance, resolution,
 17 policy, or rule that:
 18 (A) prohibits; or
 19 (B) has the effect of prohibiting;
 20 an employee of the person from possessing a firearm or
 21 ammunition that is locked in the trunk of the employee's vehicle,
 22 kept in the glove compartment of the employee's locked vehicle,
 23 or stored out of plain sight in the employee's locked vehicle,
 24 unless the person's adoption or enforcement of the ordinance,
 25 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or
 26 (3) to allow a person to adopt or enforce a law, statute, ordinance,
 27 resolution, policy, or rule that allows a person to possess or
 28 transport a firearm or ammunition if the person is prohibited from
 29 possessing or transporting the firearm or ammunition by state or
 30 federal law.
 31 **(d) Nothing in this chapter may be construed to affect the status**
 32 **or validity of a five (5) year or lifetime license to carry a handgun**
 33 **issued by the superintendent before July 1, 2022. Any license**
 34 **described under this subsection shall remain valid for the duration**
 35 **of the license or the lifetime of the licensee, as applicable.**
 36 (e) A person who knowingly or intentionally violates this section
 37 commits a Class A misdemeanor. However, the offense is a Level 5
 38 felony:
 39 (1) if the offense is committed:
 40 (A) on or in school property;
 41 (B) within five hundred (500) feet of school property; or
 42 (C) on a school bus; or



- 1 (2) if the person:
- 2 (A) has a prior conviction of any offense under:
- 3 (i) this section; or
- 4 (ii) section 22 of this chapter; or
- 5 (B) has been convicted of a felony within fifteen (15) years
- 6 before the date of the offense:
- 7 SECTION 9. IC 35-47-2-1.5 IS ADDED TO THE INDIANA CODE
- 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 9 1, 2022]: **Sec. 1.5. (a) The following terms are defined for this**
- 10 **section:**
- 11 (1) "Adjudicated a mental defective" means a determination
- 12 by a court that a person:
- 13 (A) presents a danger to the person or to others; or
- 14 (B) lacks the mental capacity necessary to contract or
- 15 manage the person's affairs.
- 16 The term includes a finding of insanity by a court in a
- 17 criminal proceeding.
- 18 (2) "Alien" means any person who is not lawfully in the
- 19 United States. The term includes:
- 20 (A) any person who has:
- 21 (i) entered the United States without inspection and
- 22 authorization by an immigration officer; and
- 23 (ii) not been paroled into the United States under the
- 24 federal Immigration and Nationality Act;
- 25 (B) a nonimmigrant:
- 26 (i) whose authorized period of stay has expired; or
- 27 (ii) who has violated the terms of the nonimmigrant
- 28 category under which the person was admitted;
- 29 (C) a person paroled under the federal Immigration and
- 30 Nationality Act whose period of parole has:
- 31 (i) expired; or
- 32 (ii) been terminated; and
- 33 (D) a person subject to an order:
- 34 (i) of deportation, exclusion, or removal; or
- 35 (ii) to depart the United States voluntarily;
- 36 regardless of whether or not the person has left the United
- 37 States.
- 38 (3) "Committed to a mental institution" means the formal
- 39 commitment of a person to a mental institution by a court.
- 40 The term includes:
- 41 (A) a commitment for:
- 42 (i) a cognitive or mental defect; or



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



- 1 **(10) A person who is less than:**
- 2 **(A) eighteen (18) years of age; or**
- 3 **(B) twenty-three (23) years of age and has an adjudication**
- 4 **as a delinquent child for an act described by IC 35-47-4-5;**
- 5 **unless authorized under IC 35-47-10.**
- 6 **(c) Subsection (b)(4)(A) and (b)(4)(B) does not apply to a person**
- 7 **if a court has restored the person's right to possess a firearm under**
- 8 **IC 35-47-4-7.**
- 9 **(d) A person who has:**
- 10 **(1) been adjudicated dangerous under IC 35-47-14-6; and**
- 11 **(2) successfully petitioned for the return of a firearm under**
- 12 **IC 35-47-14-8 with respect to the adjudication under**
- 13 **subdivision (1);**
- 14 **is not prohibited from carrying a handgun under subsection (b) on**
- 15 **the basis that the person was adjudicated dangerous under**
- 16 **subdivision (1). However, the person may still be prohibited from**
- 17 **carrying a handgun on one (1) or more of the other grounds listed**
- 18 **in subsection (b).**
- 19 **(e) A person who violates this section commits unlawful**
- 20 **carrying of a handgun, a Class A misdemeanor. However, the**
- 21 **offense is a Level 5 felony if:**
- 22 **(1) the person:**
- 23 **(A) is less than twenty-three (23) years of age; and**
- 24 **(B) has an adjudication as a delinquent child for an act**
- 25 **described by IC 35-47-4-5; or**
- 26 **(2) the person violates this section:**
- 27 **(A) on or in school property;**
- 28 **(B) within five hundred (500) feet of school property; or**
- 29 **(C) on a school bus.**
- 30 **SECTION 10. IC 35-47-2-2 IS REPEALED [EFFECTIVE JULY 1,**
- 31 **2022]. Sec. 2: Section † of this chapter does not apply to:**
- 32 **(1) marshals;**
- 33 **(2) sheriffs;**
- 34 **(3) the commissioner of the department of correction or persons**
- 35 **authorized by the commissioner in writing to carry firearms;**
- 36 **(4) judicial officers;**
- 37 **(5) law enforcement officers;**
- 38 **(6) members of the armed forces of the United States or of the**
- 39 **national guard or organized reserves while they are on duty;**
- 40 **(7) regularly enrolled members of any organization duly**
- 41 **authorized to purchase or receive such weapons from the United**
- 42 **States or from this state who are at or are going to or from their**



1 place of assembly or target practice;

2 (8) employees of the United States duly authorized to carry
3 handguns;

4 (9) employees of express companies when engaged in company
5 business; or

6 (10) any person engaged in the business of manufacturing;
7 repairing; or dealing in firearms or the agent or representative of
8 any such person having in the person's possession; using; or
9 carrying a handgun in the usual or ordinary course of that
10 business.

11 SECTION 11. IC 35-47-2-2.1 IS REPEALED [EFFECTIVE JULY
12 1, 2022]. Sec. 2.1: (a) As used in this section, "protection order" means
13 a civil protection order issued under IC 34-26-5.

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

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

17 (2) is protected by a protection order;

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

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

21 during the period described in subsection (c):

22 (c) A person described in subsection (b) may carry a handgun
23 without a license for a period ending sixty (60) days after the date the
24 protection order is issued:

25 SECTION 12. IC 35-47-2-3, AS AMENDED BY P.L.165-2021,
26 SECTION 196, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) A person ~~desiring a license~~
28 **to carry who is at least eighteen (18) years of age and is not**
29 **otherwise prohibited from carrying or possessing a handgun shall**
30 **apply: under state or federal law is not required to obtain or**
31 **possess a license or permit from the state to carry a handgun in**
32 **Indiana. A resident of this state who wishes to carry a firearm in**
33 **another state under a reciprocity agreement entered into by this**
34 **state and another state may obtain a license to carry a handgun in**
35 **Indiana under this chapter by applying:**

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

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

42 (3) if the applicant is a resident of another state and has a regular



1 place of business or employment in Indiana, to the sheriff of the
 2 county in which the applicant has a regular place of business or
 3 employment.

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

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

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

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

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

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

31 (c) This subsection applies after June 30, 2020, and before July 1,
 32 2021. The law enforcement agency which accepts an application for a
 33 handgun license shall not collect a fee from a person applying for a five
 34 (5) year handgun license and shall collect the following application
 35 fees:

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

40 (2) From a person applying for a lifetime handgun license who
 41 currently possesses a valid Indiana handgun license, a forty dollar
 42 (\$40) application fee, thirty dollars (\$30) of which shall be



1 refunded if the license is not issued.
2 Except as provided in subsection (j), the fee shall be deposited into the
3 law enforcement agency's firearms training fund or other appropriate
4 training activities fund and used by the agency to train law enforcement
5 officers in the proper use of firearms or in other law enforcement
6 duties, or to purchase firearms, firearm related equipment, or body
7 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
8 employed by the law enforcement agency. The state board of accounts
9 shall establish rules for the proper accounting and expenditure of funds
10 collected under this subsection.
11 (d) This subsection applies after June 30, 2021. The law
12 enforcement agency which accepts an application for a handgun license
13 shall not collect a fee from a person applying for a handgun license.
14 (e) The officer to whom the application is made shall ascertain the
15 applicant's name, full address, length of residence in the community,
16 whether the applicant's residence is located within the limits of any city
17 or town, the applicant's occupation, place of business or employment,
18 criminal record, if any, and convictions (minor traffic offenses
19 excepted), age, race, sex, nationality, date of birth, citizenship, height,
20 weight, build, color of hair, color of eyes, scars and marks, whether the
21 applicant has previously held an Indiana license to carry a handgun
22 and, if so, the serial number of the license and year issued, whether the
23 applicant's license has ever been suspended or revoked, and if so, the
24 year and reason for the suspension or revocation, and the applicant's
25 reason for desiring a license. If the applicant is not a United States
26 citizen, the officer to whom the application is made shall ascertain the
27 applicant's country of citizenship, place of birth, and any alien or
28 admission number issued by the United States Citizenship and
29 Immigration Services or United States Customs and Border Protection
30 or any successor agency as applicable. The officer to whom the
31 application is made shall conduct an investigation into the applicant's
32 official records and verify thereby the applicant's character and
33 reputation, and shall in addition verify for accuracy the information
34 contained in the application, and shall forward this information
35 together with the officer's recommendation for approval or disapproval
36 and one (1) set of legible and classifiable fingerprints of the applicant
37 to the superintendent. An investigation conducted under this section
38 must include the consulting of available local, state, and federal
39 criminal history data banks, including the National Instant Criminal
40 Background Check System (NICS), to determine whether possession
41 of a firearm by an applicant would be a violation of state or federal law.
42 (f) The superintendent may make whatever further investigation the



1 superintendent deems necessary. Whenever disapproval is
 2 recommended, the officer to whom the application is made shall
 3 provide the superintendent and the applicant with the officer's complete
 4 and specific reasons, in writing, for the recommendation of
 5 disapproval.

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

7 (1) has a proper reason for ~~carrying a handgun;~~ **receiving a**
 8 **license to carry a handgun;**

9 (2) is of good character and reputation;

10 (3) is a proper person to be licensed; and

11 (4) is:

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

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

15 the superintendent shall issue to the applicant a ~~qualified or an~~
 16 ~~unlimited~~ license to carry ~~any a handgun lawfully possessed by the~~
 17 ~~applicant.~~ **in Indiana.** The original license shall be delivered to the
 18 licensee. A copy shall be delivered to the officer to whom the
 19 application for license was made. A copy shall be retained by the
 20 superintendent for at least five (5) years in the case of a five (5) year
 21 license. The superintendent may adopt guidelines to establish a records
 22 retention policy for a lifetime license. A five (5) year license shall be
 23 valid for a period of five (5) years from the date of issue. A lifetime
 24 license is valid for the life of the individual receiving the license. The
 25 license of police officers, sheriffs or their deputies, and law
 26 enforcement officers of the United States government who have twenty
 27 (20) or more years of service shall be valid for the life of these
 28 individuals. However, a lifetime license is automatically revoked if the
 29 license holder does not remain a proper person.

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

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

35 (2) is:

36 (A) recommended by a nonprofit educational organization that
 37 is dedicated to providing education on safe handling and use
 38 of firearms;

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

40 (C) approved by the superintendent.

41 The superintendent may not deny a license under this section because
 42 the information required under this subsection is unavailable at the



1 time the superintendent would otherwise issue a license. The state
 2 police department may accept private donations or grants to defray the
 3 cost of printing and mailing the information required under this
 4 subsection.

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

7 (1) has been convicted of a felony;

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

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

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

14 (5) has been arrested for a Class A or Class B felony for an
 15 offense committed before July 1, 2014, for a Level 1, Level 2,
 16 Level 3, or Level 4 felony for an offense committed after June 30,
 17 2014, or any other felony that was committed while armed with
 18 a deadly weapon or that involved the use of violence, if a court
 19 has found probable cause to believe that the person committed the
 20 offense charged; ~~or~~

21 (6) is prohibited by federal law from possessing or receiving
 22 firearms under 18 U.S.C. 922(g); **or**

23 **(7) is described in IC 35-47-2-1.5, unless exempted by**
 24 **IC 35-47-2-1.5.**

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

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

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

36 (1) changes the person's name;

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

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

42 the person shall, not later than thirty (30) days after the date of a



1 change described under subdivision (3), and not later than sixty (60)
 2 days after the date of the change described under subdivision (1) or (2),
 3 notify the superintendent, in writing, of the event described under
 4 subdivision (3) or, in the case of a change under subdivision (1) or (2),
 5 the person's new name or new address.

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

8 (m) The state police department shall adopt rules under IC 4-22-2
 9 to

10 (+) implement an electronic application system under subsection

11 (a). ~~and~~

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

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

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

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

23 (A) obtain; or

24 (B) renew;

25 a license to carry a handgun.

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

29 (A) obtain; or

30 (B) renew;

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

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

35 (o) Notwithstanding subsection (n):

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

39 (A) for law enforcement purposes; or

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

41 and

42 (2) general information concerning the issuance of licenses to



1 carry handguns in Indiana may be released to a person conducting
 2 journalistic or academic research, but only if all personal
 3 information that could disclose the identity of any person who
 4 holds a license to carry a handgun issued under this chapter has
 5 been removed from the general information.

6 **(p) A person who holds a valid license to carry a handgun under
 7 this chapter is licensed to carry a handgun in Indiana.**

8 ~~(p)~~ **(q)** A person who knowingly or intentionally violates this section
 9 commits a Class B misdemeanor.

10 SECTION 13. IC 35-47-2-4, AS AMENDED BY P.L.165-2021,
 11 SECTION 197, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) Licenses to carry handguns
 13 shall be either qualified or unlimited, and issued under section 3 of
 14 this chapter are valid for:

- 15 (1) five (5) years from the date of issue in the case of a five (5)
 16 year license; or
 17 (2) the life of the individual receiving the license in the case of a
 18 lifetime license.

19 A qualified license shall be issued for hunting and target practice. An
 20 individual may separately apply for and simultaneously hold both a five
 21 (5) year license and a lifetime license. The superintendent may adopt
 22 rules imposing limitations on the use and carrying of handguns under
 23 a license when handguns are carried by a licensee as a condition of
 24 employment. Unlimited licenses shall be issued for the purpose of the
 25 protection of life and property.

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

- 28 ~~(1)~~ a qualified license shall be:
 29 (A) five dollars (\$5) for a five (5) year qualified license;
 30 (B) twenty-five dollars (\$25) for a lifetime qualified license
 31 from a person who does not currently possess a valid Indiana
 32 handgun license; or
 33 (C) twenty dollars (\$20) for a lifetime qualified license from
 34 a person who currently possesses a valid Indiana handgun
 35 license; and
 36 ~~(2)~~ an unlimited license shall be:
 37 (A) thirty dollars (\$30) for a five (5) year unlimited license;
 38 (B) seventy-five dollars (\$75) for a lifetime unlimited license
 39 from a person who does not currently possess a valid Indiana
 40 handgun license; or
 41 (C) sixty dollars (\$60) for a lifetime unlimited license from a
 42 person who currently possesses a valid Indiana handgun



- 1 license:
 2 The superintendent shall charge a twenty dollar (\$20) fee for the
 3 issuance of a duplicate license to replace a lost or damaged license.
 4 These fees shall be deposited in accordance with subsection (h).
 5 (c) This subsection applies after June 30, 2020, and before July 1,
 6 2021. In addition to the application fee, the fee for:
 7 (1) a qualified license is:
 8 (A) zero dollars (\$0) for a five (5) year qualified license;
 9 (B) twenty-five dollars (\$25) for a lifetime qualified license
 10 from a person who does not currently possess a valid Indiana
 11 handgun license; and
 12 (C) twenty dollars (\$20) for a lifetime qualified license from
 13 a person who currently possesses a valid Indiana handgun
 14 license; and
 15 (2) an unlimited license is:
 16 (A) zero dollars (\$0) for a five (5) year unlimited license;
 17 (B) seventy-five dollars (\$75) for a lifetime unlimited license
 18 from a person who does not currently possess a valid Indiana
 19 handgun license; and
 20 (C) sixty dollars (\$60) for a lifetime unlimited license from a
 21 person who currently possesses a valid Indiana handgun
 22 license.
 23 The superintendent shall charge a twenty dollar (\$20) fee for the
 24 issuance of a duplicate license to replace a lost or damaged license.
 25 These fees shall be deposited in accordance with subsection (h).
 26 (d) ~~(b)~~ This subsection applies after June 30, 2021. There is no fee
 27 for a ~~qualified or unlimited~~ license ~~to carry a handgun~~. The
 28 superintendent shall charge a twenty dollar (\$20) fee for the issuance
 29 of a duplicate license to replace a lost or damaged license. This fee
 30 shall be deposited in accordance with subsection ~~(h)~~: ~~(c)~~.
 31 (e) Licensed dealers are exempt from the payment of fees specified
 32 in subsections (b) and (c) for a qualified license or an unlimited
 33 license.
 34 (f) The following officers of this state or the United States who have
 35 been honorably retired by a lawfully created pension board or its
 36 equivalent after at least twenty (20) years of service or because of a
 37 disability are exempt from the payment of fees specified in subsections
 38 (b) and (c):
 39 (1) Police officers;
 40 (2) Sheriffs or their deputies;
 41 (3) Law enforcement officers;
 42 (4) Correctional officers.



1 (g) The following officers described in section 3(g) of this chapter
 2 who have at least twenty (20) years of service are exempt from the
 3 payment of fees for a lifetime qualified license or a lifetime unlimited
 4 license specified in subsections (b) and (c):

5 (1) Police officers.

6 (2) Sheriffs or their deputies.

7 (3) Law enforcement officers of the United States government.

8 (h) (c) Fees collected under this section shall be deposited in the
 9 state general fund.

10 (i) (d) The superintendent may not issue a lifetime qualified license
 11 or a lifetime unlimited license to a person who is a resident of another
 12 state. The superintendent may issue a five (5) year qualified license or
 13 a five (5) year unlimited license to a person who is a resident of another
 14 state and who has a regular place of business or employment in Indiana
 15 as described in section 3(a)(3) of this chapter.

16 (j) (e) A person who knowingly or intentionally violates this section
 17 commits a Class B misdemeanor.

18 SECTION 14. IC 35-47-2-24 IS REPEALED [EFFECTIVE JULY
 19 1, 2022]. Sec. 24: (a) In an information or indictment brought for the
 20 enforcement of any provision of this chapter, it is not necessary to
 21 negate any exemption specified under this chapter, or to allege the
 22 absence of a license required under this chapter. The burden of proof
 23 is on the defendant to prove that he is exempt under section 2 of this
 24 chapter, or that he has a license as required under this chapter.

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

31 SECTION 15. IC 35-47-2.5-1, AS AMENDED BY P.L.152-2014,
 32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2022]: Sec. 1. (a) Sections 2 through 5 of this chapter do not
 34 apply to the following:

35 (1) Transactions between persons who are licensed as firearms
 36 importers or collectors or firearms manufacturers or dealers under
 37 18 U.S.C. 923.

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

40 (3) Indiana residents licensed to carry handguns under
 41 ~~IC 35-47-2-3~~ in possession of a license described in
 42 IC 35-47-2-3.



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

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

5 (2) there is a conflict between:

6 (A) a provision of this chapter; and

7 (B) a procedure required under the NICS;

8 the procedure required under the NICS prevails over the conflicting
 9 provision of this chapter.

10 SECTION 16. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,
 11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2022]: Sec. 4. This chapter may not be construed to prevent
 13 any of the following:

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

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

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

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

35 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a
 36 provision prohibiting or restricting the possession of a firearm in
 37 any building that contains the courtroom of a circuit, superior,
 38 city, town, or small claims court. However, if a portion of the
 39 building is occupied by a residential tenant or private business,
 40 any provision restricting or prohibiting the possession of a firearm
 41 does not apply to the portion of the building that is occupied by
 42 the residential tenant or private business, or to common areas of



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



- 1 devices and proper physical pat down searches; and
 2 (ii) when the building is open to the public; and
 3 (C) each:
 4 (i) individual who enters the building through the public
 5 entrance when the building is open to the public; and
 6 (ii) bag, package, and other container carried by the
 7 individual;
 8 is inspected by a law enforcement officer described in clause
 9 (B).
- 10 However, except as provided in subdivision (5) concerning a
 11 building that contains a courtroom, a unit may not prohibit or
 12 restrict the possession of a handgun under this subdivision in a
 13 building owned or administered by the unit if the person who
 14 possesses the handgun ~~has been issued a valid license to carry the~~
 15 ~~handgun under IC 35-47-2. is not otherwise prohibited from~~
 16 **carrying or possessing a handgun.**
- 17 SECTION 17. IC 35-50-2-13, AS AMENDED BY P.L.84-2015,
 18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2022]: Sec. 13. (a) The state may seek, on a page separate
 20 from the rest of a charging instrument, to have a person who allegedly
 21 committed an offense of dealing in a controlled substance under
 22 IC 35-48-4-1 through IC 35-48-4-4 sentenced to an additional fixed
 23 term of imprisonment if the state can show beyond a reasonable doubt
 24 that the person knowingly or intentionally:
 25 (1) used a firearm; or
 26 (2) possessed a:
 27 (A) handgun in violation of ~~IC 35-47-2-1; IC 35-47-2-1.5;~~
 28 (B) sawed-off shotgun in violation of federal law; or
 29 (C) machine gun in violation of IC 35-47-5-8;
 30 while committing the offense.
- 31 (b) If the person was convicted of the offense in a jury trial, the jury
 32 shall reconvene to hear evidence in the enhancement hearing. If the
 33 trial was to the court, or the judgment was entered on a guilty plea, the
 34 court alone shall hear evidence in the enhancement hearing.
- 35 (c) If the jury (if the hearing is by jury) or the court (if the hearing
 36 is to the court alone) finds that the state has proved beyond a
 37 reasonable doubt that the person knowingly or intentionally committed
 38 an offense as described in subsection (a), the court may sentence the
 39 person to an additional fixed term of imprisonment of not more than
 40 five (5) years, except as follows:
 41 (1) If the firearm is a sawed-off shotgun, the court may sentence
 42 the person to an additional fixed term of imprisonment of not



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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1077, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1077 as introduced.)

SMALTZ

Committee Vote: Yeas 9, Nays 3

