

SENATE BILL No. 489

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-190; IC 35-47.

Synopsis: Machine guns; firearm safety guide. Revises, for purposes of an enhancement and certain criminal offenses, a definition of "machine gun" to include a particular part or combination of parts designed and intended for use in converting a weapon into a weapon that fires automatically more than one shot, without manual reloading, by a single function of the trigger. Modifies a separate definition of "machine gun". Requires the state police department to create a firearm safety guide (guide) that includes certain information before September 1, 2023, and to deliver the guide to each retail dealer located in Indiana before October 1, 2023. After November 1, 2023, requires a retail dealer to provide a copy of the guide to the recipient of a firearm at the time the retail dealer completes a firearm sale, rental, trade, or transfer.

Effective: July 1, 2023.

Breaux

January 19, 2023, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 489

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

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

1 SECTION 1. IC 35-31.5-2-190, AS ADDED BY P.L.114-2012,
2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 190. "Machine gun" means **the following**:
4 (1) A weapon that:
5 (†) (A) shoots; or
6 (‡) (B) can be readily restored to shoot;
7 automatically more than one (1) shot, without manual reloading,
8 by a single function of the trigger.
9 (2) A:
10 (A) part that is designed and intended solely and
11 exclusively; or
12 (B) combination of parts that are designed and intended;
13 for use in converting a weapon into a weapon that fires
14 automatically more than one (1) shot, without manual
15 reloading, by a single function of the trigger.
16 SECTION 2. IC 35-47-1.5 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE



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JULY 1, 2023]:

Chapter 1.5. Firearm Safety

Sec. 1. For purposes of this chapter, "department" means the state police department.

Sec. 2. Before September 1, 2023, the department shall create a firearm safety guide that includes, at minimum, the following:

- (1) Instruction concerning the following:**
 - (A) The safe storage, use, and handling of a firearm, including safe storage, use, and handling to protect child safety.**
 - (B) Knowledge of ammunition.**
 - (C) Firearm firing positions.**
 - (D) Maintaining and cleaning a firearm.**
 - (E) Firearms and the law, including civil liability issues and the use of deadly force. The instruction in the subject described in this clause must be provided by an attorney or a person trained in the use of deadly force.**
 - (F) Avoiding a criminal attack and controlling a violent confrontation.**
 - (G) All laws that apply to carrying and using a firearm in Indiana.**

(2) Information concerning where an individual can receive in person firearm training on the topics identified in subdivision (1), including by contacting a local department district office.

Sec. 3. Not later than October 1, 2023, the department shall provide to each retail dealer located in Indiana an adequate number of copies of the firearm safety guide created under section 2 of this chapter.

Sec. 4. (a) This section applies after November 1, 2023.

(b) At the time that a retail dealer completes a sale, rental, trade, or transfer of a firearm, the retail dealer shall provide to the recipient of the firearm a copy of the firearm safety guide created under section 2 of this chapter.

SECTION 3. IC 35-47-2-7, AS AMENDED BY P.L.183-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) As used in this section, "machine gun" has the meaning set forth in IC 35-31.5-2-190. For purposes of this section, the term also includes:

- (1) means any a weapon that shoots; is designed to shoot or can be readily restored to shoot automatically more than one (1) shot, without manual reloading, by a single function of the trigger; ~~The~~**



- 1 term includes
- 2 (2) the frame or receiver of ~~any such a~~ weapon ~~any part designed~~
- 3 ~~and intended solely and exclusively,~~ or a combination of parts
- 4 ~~designed and intended,~~ for use in converting a weapon into a
- 5 machine gun; and described in subdivision (1) or
- 6 IC 35-31.5-2-190(1); and
- 7 (3) any combination of parts from which a machine gun can be
- 8 assembled if such parts are in the possession or under the control
- 9 of a person.
- 10 (b) Except an individual acting within a parent-minor child or
- 11 guardian-minor protected person relationship or any other individual
- 12 who is also acting in compliance with IC 35-47-10 (governing children
- 13 and firearms) and federal law, a person may not sell, give, or in any
- 14 other manner transfer the ownership or possession of a handgun or
- 15 machine gun to any person under eighteen (18) years of age.
- 16 (c) A person who knowingly or intentionally sells, gives, or in any
- 17 other manner transfers ownership or possession of a machine gun to a
- 18 person under eighteen (18) years of age commits a Level 5 felony.
- 19 However, the offense is a Level 4 felony if the person who sells, gives,
- 20 or transfers ownership of the machine gun has a prior conviction under
- 21 this section, and a Level 3 felony if a person under eighteen (18) years
- 22 of age uses the machine gun to commit murder (IC 35-42-1-1).
- 23 (d) A person who knowingly or intentionally sells, gives, or in any
- 24 other manner transfers the ownership or possession of a handgun to
- 25 another person who the person knows:
- 26 (1) is ineligible for any reason other than the person's age to
- 27 purchase or otherwise receive from a dealer a handgun; or
- 28 (2) intends to use the handgun to commit a crime;
- 29 commits criminal transfer of a handgun, a Level 5 felony. However, the
- 30 offense is a Level 3 felony if the other person uses the handgun to
- 31 commit murder (IC 35-42-1-1).
- 32 (e) A person who purchases a handgun with the intent to:
- 33 (1) resell or otherwise provide the handgun to another person who
- 34 the person knows is ineligible for any reason to purchase or
- 35 otherwise receive from a dealer a handgun;
- 36 (2) resell or otherwise provide the handgun to another person who
- 37 the person knows intends to use the handgun to commit a crime;
- 38 or
- 39 (3) transport the handgun outside Indiana to be resold or
- 40 otherwise provided to another person who the transferor knows:
- 41 (A) is ineligible to purchase or otherwise receive a handgun;
- 42 or



1 (B) intends to use the handgun to commit a crime;
2 commits the straw purchase of a handgun, a Level 5 felony. However,
3 the offense is a Level 3 felony if the other person uses the handgun to
4 commit murder (IC 35-42-1-1).

5 (f) As used in this subsection, "NICS" has the meaning set forth in
6 IC 35-47-2.5-2.5. It is a defense to a prosecution under subsection
7 (d)(1) that:

8 (1) the accused person contacted NICS (or had a dealer contact
9 NICS on the person's behalf) to request a background check on
10 the other person before the accused person sold, gave, or in any
11 other manner transferred the ownership or possession of the
12 handgun to the other person; and

13 (2) the accused person (or dealer acting on the person's behalf)
14 received authorization from NICS to sell, give, or in any other
15 manner transfer ownership or possession of the handgun to the
16 other person.

