

HOUSE BILL No. 1334

DIGEST OF INTRODUCED BILL

Citations Affected: IC 21-17-5-6; IC 21-39-4-7; IC 35-47-2.

Synopsis: Handgun licenses and law enforcement officers. Provides that police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have 20 or more years of service are entitled to a lifetime license to carry a handgun in Indiana. (Current law states police officers, sheriffs or their deputies, and law enforcement officers of the United States government must have been honorably retired by a lawfully created pension board or its equivalent after 20 or more years of service to be entitled to a lifetime license to carry a handgun.) Provides that these individuals are exempt from the payment of fees for the lifetime license to carry a handgun. Makes conforming amendments.

Effective: July 1, 2016.

Goodin, Moseley

January 12, 2016, read first time and referred to Committee on Public Policy.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1334

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 21-17-5-6, AS ADDED BY P.L.2-2007, SECTION
2 258, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: Sec. 6. Whenever a police officer retires after at least twenty
4 (20) years of service, the police officer may retain the officer's service
5 weapon. The officer is entitled to receive, in recognition of the service
6 to the educational institution and the public, a badge that indicates that
7 the officer is retired. Upon retirement, the state police department shall
8 issue to the police officer an identification card that:

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

12 ~~A retired police officer described in this section is entitled to a lifetime~~
13 ~~license to carry a handgun under IC 35-47-2-3(c).~~

14 SECTION 2. IC 21-39-4-7, AS ADDED BY P.L.2-2007, SECTION
15 280, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2016]: Sec. 7. Whenever a police officer retires after at least twenty
17 (20) years of service, the police officer may retain the officer's service



1 weapon. The officer is entitled to receive, in recognition of the service
 2 to the state educational institution and the public, a badge that indicates
 3 that the officer is retired. Upon retirement, the state police department
 4 shall issue to the police officer an identification card that:

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

8 ~~A police officer described in this section is entitled to a lifetime license~~
 9 ~~to carry a handgun under IC 35-47-2-3(c).~~

10 SECTION 3. IC 35-47-2-3, AS AMENDED BY P.L.158-2013,
 11 SECTION 574, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A person desiring a license
 13 to carry a handgun shall apply:

- 14 (1) to the chief of police or corresponding law enforcement officer
 15 of the municipality in which the applicant resides;
- 16 (2) if that municipality has no such officer, or if the applicant does
 17 not reside in a municipality, to the sheriff of the county in which
 18 the applicant resides after the applicant has obtained an
 19 application form prescribed by the superintendent; or
- 20 (3) if the applicant is a resident of another state and has a regular
 21 place of business or employment in Indiana, to the sheriff of the
 22 county in which the applicant has a regular place of business or
 23 employment.

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

28 (b) The law enforcement agency which accepts an application for a
 29 handgun license shall collect the following application fees:

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

41 Except as provided in subsection (h), the fee shall be deposited into the
 42 law enforcement agency's firearms training fund or other appropriate



1 training activities fund and used by the agency to train law enforcement
 2 officers in the proper use of firearms or in other law enforcement
 3 duties, or to purchase firearms, firearm related equipment, or body
 4 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
 5 employed by the law enforcement agency. The state board of accounts
 6 shall establish rules for the proper accounting and expenditure of funds
 7 collected under this subsection.

8 (c) The officer to whom the application is made shall ascertain the
 9 applicant's name, full address, length of residence in the community,
 10 whether the applicant's residence is located within the limits of any city
 11 or town, the applicant's occupation, place of business or employment,
 12 criminal record, if any, and convictions (minor traffic offenses
 13 excepted), age, race, sex, nationality, date of birth, citizenship, height,
 14 weight, build, color of hair, color of eyes, scars and marks, whether the
 15 applicant has previously held an Indiana license to carry a handgun
 16 and, if so, the serial number of the license and year issued, whether the
 17 applicant's license has ever been suspended or revoked, and if so, the
 18 year and reason for the suspension or revocation, and the applicant's
 19 reason for desiring a license. The officer to whom the application is
 20 made shall conduct an investigation into the applicant's official records
 21 and verify thereby the applicant's character and reputation, and shall in
 22 addition verify for accuracy the information contained in the
 23 application, and shall forward this information together with the
 24 officer's recommendation for approval or disapproval and one (1) set
 25 of legible and classifiable fingerprints of the applicant to the
 26 superintendent.

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

33 (e) If it appears to the superintendent that the applicant:

- 34 (1) has a proper reason for carrying a handgun;
- 35 (2) is of good character and reputation;
- 36 (3) is a proper person to be licensed; and
- 37 (4) is:

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

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

41 the superintendent shall issue to the applicant a qualified or an
 42 unlimited license to carry any handgun lawfully possessed by the



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

15 (f) At the time a license is issued and delivered to a licensee under
 16 subsection (e), the superintendent shall include with the license
 17 information concerning handgun safety rules that:

- 18 (1) neither opposes nor supports an individual's right to bear
 19 arms; and
 20 (2) is:
 21 (A) recommended by a nonprofit educational organization that
 22 is dedicated to providing education on safe handling and use
 23 of firearms;
 24 (B) prepared by the state police department; and
 25 (C) approved by the superintendent.

26 The superintendent may not deny a license under this section because
 27 the information required under this subsection is unavailable at the
 28 time the superintendent would otherwise issue a license. The state
 29 police department may accept private donations or grants to defray the
 30 cost of printing and mailing the information required under this
 31 subsection.

32 (g) A license to carry a handgun shall not be issued to any person
 33 who:

- 34 (1) has been convicted of a felony;
 35 (2) has had a license to carry a handgun suspended, unless the
 36 person's license has been reinstated;
 37 (3) is under eighteen (18) years of age;
 38 (4) is under twenty-three (23) years of age if the person has been
 39 adjudicated a delinquent child for an act that would be a felony if
 40 committed by an adult; or
 41 (5) has been arrested for a Class A or Class B felony for an
 42 offense committed before July 1, 2014, for a Level 1, Level 2,



1 Level 3, or Level 4 felony for an offense committed after June 30,
 2 2014, or any other felony that was committed while armed with
 3 a deadly weapon or that involved the use of violence, if a court
 4 has found probable cause to believe that the person committed the
 5 offense charged.

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

11 (h) If the law enforcement agency that charges a fee under
 12 subsection (b) is a city or town law enforcement agency, the fee shall
 13 be deposited in the law enforcement continuing education fund
 14 established under IC 5-2-8-2.

15 (i) If a person who holds a valid license to carry a handgun issued
 16 under this chapter:

- 17 (1) changes the person's name;
- 18 (2) changes the person's address; or
- 19 (3) experiences a change, including an arrest or a conviction, that
 20 may affect the person's status as a proper person (as defined in
 21 IC 35-47-1-7) or otherwise disqualify the person from holding a
 22 license;

23 the person shall, not later than thirty (30) days after the date of a
 24 change described under subdivision (3), and not later than sixty (60)
 25 days after the date of the change described under subdivision (1) or (2),
 26 notify the superintendent, in writing, of the event described under
 27 subdivision (3) or, in the case of a change under subdivision (1) or (2),
 28 the person's new name or new address.

29 (j) The state police shall indicate on the form for a license to carry
 30 a handgun the notification requirements of subsection (i).

31 (k) The state police department shall adopt rules under IC 4-22-2 to
 32 implement an electronic application system under subsection (a). Rules
 33 adopted under this section must require the superintendent to keep on
 34 file one (1) set of classifiable and legible fingerprints from every
 35 person who has received a license to carry a handgun so that a person
 36 who applies to renew a license will not be required to submit an
 37 additional set of fingerprints.

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

- 41 (1) Information submitted by a person under this section to:
 42 (A) obtain; or



- 1 (B) renew;
 2 a license to carry a handgun.
 3 (2) Information obtained by a federal, state, or local government
 4 entity in the course of an investigation concerning a person who
 5 applies to:
 6 (A) obtain; or
 7 (B) renew;
 8 a license to carry a handgun issued under this chapter.
 9 (3) The name, address, and any other information that may be
 10 used to identify a person who holds a license to carry a handgun
 11 issued under this chapter.
 12 (m) Notwithstanding subsection (l):
 13 (1) any information concerning an applicant for or a person who
 14 holds a license to carry a handgun issued under this chapter may
 15 be released to a federal, state, or local government entity:
 16 (A) for law enforcement purposes; or
 17 (B) to determine the validity of a license to carry a handgun;
 18 and
 19 (2) general information concerning the issuance of licenses to
 20 carry handguns in Indiana may be released to a person conducting
 21 journalistic or academic research, but only if all personal
 22 information that could disclose the identity of any person who
 23 holds a license to carry a handgun issued under this chapter has
 24 been removed from the general information.
 25 (n) A person who knowingly or intentionally violates this section
 26 commits a Class B misdemeanor.
 27 SECTION 4. IC 35-47-2-4, AS AMENDED BY P.L.158-2013,
 28 SECTION 575, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Licenses to carry handguns
 30 shall be either qualified or unlimited, and are valid for:
 31 (1) four (4) years from the date of issue in the case of a four (4)
 32 year license; or
 33 (2) the life of the individual receiving the license in the case of a
 34 lifetime license.
 35 A qualified license shall be issued for hunting and target practice. The
 36 superintendent may adopt rules imposing limitations on the use and
 37 carrying of handguns under a license when handguns are carried by a
 38 licensee as a condition of employment. Unlimited licenses shall be
 39 issued for the purpose of the protection of life and property.
 40 (b) In addition to the application fee, the fee for:
 41 (1) a qualified license shall be:
 42 (A) five dollars (\$5) for a four (4) year qualified license;



- 1 (B) twenty-five dollars (\$25) for a lifetime qualified license
 2 from a person who does not currently possess a valid Indiana
 3 handgun license; or
 4 (C) twenty dollars (\$20) for a lifetime qualified license from
 5 a person who currently possesses a valid Indiana handgun
 6 license; and
 7 (2) an unlimited license shall be:
 8 (A) thirty dollars (\$30) for a four (4) year unlimited license;
 9 (B) seventy-five dollars (\$75) for a lifetime unlimited license
 10 from a person who does not currently possess a valid Indiana
 11 handgun license; or
 12 (C) sixty dollars (\$60) for a lifetime unlimited license from a
 13 person who currently possesses a valid Indiana handgun
 14 license.

15 The superintendent shall charge a twenty dollar (\$20) fee for the
 16 issuance of a duplicate license to replace a lost or damaged license.
 17 These fees shall be deposited in accordance with subsection ~~(e)~~: **(f)**.

18 (c) Licensed dealers are exempt from the payment of fees specified
 19 in subsection (b) for a qualified license or an unlimited license.

20 (d) **Except as provided in subsection (e) concerning certain**
 21 **lifetime licenses**, the following officers of this state or the United
 22 States who have been honorably retired by a lawfully created pension
 23 board or its equivalent after at least twenty (20) years of service or
 24 because of a disability are exempt from the payment of fees specified
 25 in subsection (b):

- 26 (1) Police officers.
 27 (2) Sheriffs or their deputies.
 28 (3) Law enforcement officers.
 29 (4) Correctional officers.

30 (e) **The following officers described in section 3(e) of this**
 31 **chapter who have at least twenty (20) years of service are exempt**
 32 **from the payment of fees for a lifetime qualified license or a**
 33 **lifetime unlimited license specified in subsection (b):**

- 34 (1) **Police officers.**
 35 (2) **Sheriffs or their deputies.**
 36 (3) **Law enforcement officers of the United States government.**

37 ~~(e)~~ **(f)** Fees collected under this section shall be deposited in the
 38 state general fund.

39 ~~(f)~~ **(g)** The superintendent may not issue a lifetime qualified license
 40 or a lifetime unlimited license to a person who is a resident of another
 41 state. The superintendent may issue a four (4) year qualified license or
 42 a four (4) year unlimited license to a person who is a resident of



1 another state and who has a regular place of business or employment
2 in Indiana as described in section 3(a)(3) of this chapter.
3 ~~(g)~~ **(h)** A person who knowingly or intentionally violates this section
4 commits a Class B misdemeanor.

