



February 15, 2017

HOUSE BILL No. 1071

DIGEST OF HB 1071 (Updated February 14, 2017 1:23 pm - DI 107)

Citations Affected: IC 35-47; noncode.

Synopsis: Authorization to carry a handgun. Provides that certain persons protected by a civil protection order may carry a handgun without a license for: (1) 60 days after the date the civil protection order is issued; or (2) 60 days after the date the person applies for a license to carry a handgun, if the person applies for the license during the 60 day period following issuance of the civil protection order; whichever is later. Urges the legislative council to assign to the appropriate study committee the task to study the repeal of the law the requires a person to obtain a license to carry a handgun in Indiana. Makes a technical correction.

Effective: Upon passage; July 1, 2017.

**Eberhart, Kirchhofer, Mayfield,
Goodin**

January 4, 2017, read first time and referred to Committee on Public Policy.
February 14, 2017, amended, reported — Do Pass.

HB 1071—LS 6458/DI 106



February 15, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1071

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 35-47-2-1, AS AMENDED BY P.L.158-2013,
2 SECTION 573, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) Except as provided in
4 subsections (b) and (c) and ~~section 2~~ **sections 2 through 2.1** of this
5 chapter, a person shall not carry a handgun in any vehicle or on or
6 about the person's body without being licensed under this chapter to
7 carry a handgun.
8 (b) Except as provided in subsection (c), a person may carry a
9 handgun without being licensed under this chapter to carry a handgun
10 if:
11 (1) the person carries the handgun on or about the person's body
12 in or on property that is owned, leased, rented, or otherwise
13 legally controlled by the person;
14 (2) the person carries the handgun on or about the person's body
15 while lawfully present in or on property that is owned, leased,
16 rented, or otherwise legally controlled by another person, if the
17 person:

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- 1 (A) has the consent of the owner, renter, lessor, or person who
 2 legally controls the property to have the handgun on the
 3 premises;
 4 (B) is attending a firearms related event on the property,
 5 including a gun show, firearms expo, gun owner's club or
 6 convention, hunting club, shooting club, or training course; or
 7 (C) is on the property to receive firearms related services,
 8 including the repair, maintenance, or modification of a
 9 firearm;
- 10 (3) the person carries the handgun in a vehicle that is owned,
 11 leased, rented, or otherwise legally controlled by the person, if the
 12 handgun is:
 13 (A) unloaded;
 14 (B) not readily accessible; and
 15 (C) secured in a case;
- 16 (4) the person carries the handgun while lawfully present in a
 17 vehicle that is owned, leased, rented, or otherwise legally
 18 controlled by another person, if the handgun is:
 19 (A) unloaded;
 20 (B) not readily accessible; and
 21 (C) secured in a case; ~~or~~
- 22 (5) the person carries the handgun:
 23 (A) at a shooting range (as defined in IC 14-22-31.5-3);
 24 (B) while attending a firearms instructional course; or
 25 (C) while engaged in a legal hunting activity; ~~or~~
- 26 **(6) the person is permitted to carry a handgun without a**
 27 **license under section 2.1 of this chapter (persons protected by**
 28 **a protection order).**
- 29 (c) Unless the person's right to possess a firearm has been restored
 30 under IC 35-47-4-7, a person who has been convicted of domestic
 31 battery under IC 35-42-2-1.3 may not possess or carry a handgun.
- 32 (d) This section may ~~be~~ not ~~be~~ construed:
 33 (1) to prohibit a person who owns, leases, rents, or otherwise
 34 legally controls private property from regulating or prohibiting the
 35 possession of firearms on the private property;
 36 (2) to allow a person to adopt or enforce an ordinance, resolution,
 37 policy, or rule that:
 38 (A) prohibits; or
 39 (B) has the effect of prohibiting;
 40 an employee of the person from possessing a firearm or
 41 ammunition that is locked in the trunk of the employee's vehicle,
 42 kept in the glove compartment of the employee's locked vehicle,



1 or stored out of plain sight in the employee's locked vehicle,
 2 unless the person's adoption or enforcement of the ordinance,
 3 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or
 4 (3) to allow a person to adopt or enforce a law, statute, ordinance,
 5 resolution, policy, or rule that allows a person to possess or
 6 transport a firearm or ammunition if the person is prohibited from
 7 possessing or transporting the firearm or ammunition by state or
 8 federal law.

9 (e) A person who knowingly or intentionally violates this section
 10 commits a Class A misdemeanor. However, the offense is a Level 5
 11 felony:

12 (1) if the offense is committed:

13 (A) on or in school property;

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

15 (C) on a school bus; or

16 (2) if the person:

17 (A) has a prior conviction of any offense under:

18 (i) this section; or

19 (ii) section 22 of this chapter; or

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

22 SECTION 2. IC 35-47-2-2.1 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2017]: **Sec. 2.1. (a) As used in this section, "protection order"**
 25 **means a civil protection order issued under IC 34-26-5.**

26 **(b) A person may carry a handgun without a license if the**
 27 **person is:**

28 **(1) protected by a protection order;**

29 **(2) at least eighteen (18) years of age; and**

30 **(3) not otherwise barred by state or federal law from**
 31 **possessing a handgun;**

32 **during the period described in subsection (c).**

33 **(c) A person described in subsection (b) may carry a handgun**
 34 **without a license for a period ending sixty (60) days after the date:**

35 **(1) the protection order is issued; or**

36 **(2) the person applies for a license to carry a handgun, if the**
 37 **person applies for a license to carry a handgun during the**
 38 **sixty (60) day period described in subdivision (1);**

39 **whichever is later.**

40 SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) As used in this**
 41 **SECTION, "legislative council" refers to the legislative council**
 42 **created by IC 2-5-1.1-1.**



1 (b) As used in this SECTION, "study committee" means either
2 of the following:

3 (1) A statutory committee established under IC 2-5.

4 (2) An interim study committee.

5 (c) The legislative council is urged to assign to the appropriate
6 study committee the task of studying the repeal of the law that
7 requires a person to obtain a license to carry a handgun in Indiana.

8 (d) If an appropriate study committee is assigned the topic
9 described under subsection (c), the study committee may consider,
10 as part of its study, the following:

11 (1) The fiscal impact of a repeal of the handgun licensure law.

12 (2) The issuance and use of reciprocity licenses.

13 (3) Any persons who should be prohibited from possessing or
14 carrying a handgun.

15 (4) The rate in which handguns are used in suicides in
16 Indiana.

17 (5) The rate in which handguns are used in criminal acts in
18 Indiana.

19 (e) If the topic described in subsection (c) is assigned to an
20 interim study committee, the interim study committee shall issue
21 to the legislative council a final report containing the interim study
22 committee's findings and recommendations, including any
23 recommended legislation concerning the repeal of the handgun
24 licensure law, in an electronic format under IC 5-14-6, not later
25 than November 1, 2017.

26 (f) This SECTION expires December 31, 2017.

27 SECTION 4. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1071, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 29, delete "twenty-one (21)" and insert "**eighteen (18)**".

Page 3, after line 39, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.**

(b) As used in this SECTION, "study committee" means either of the following:

- (1) A statutory committee established under IC 2-5.**
- (2) An interim study committee.**

(c) The legislative council is urged to assign to the appropriate study committee the task of studying the repeal of the law that requires a person to obtain a license to carry a handgun in Indiana.

(d) If an appropriate study committee is assigned the topic described under subsection (c), the study committee may consider, as part of its study, the following:

- (1) The fiscal impact of a repeal of the handgun licensure law.**
- (2) The issuance and use of reciprocity licenses.**
- (3) Any persons who should be prohibited from possessing or carrying a handgun.**
- (4) The rate in which handguns are used in suicides in Indiana.**
- (5) The rate in which handguns are used in criminal acts in Indiana.**

(e) If the topic described in subsection (c) is assigned to an interim study committee, the interim study committee shall issue to the legislative council a final report containing the interim study committee's findings and recommendations, including any recommended legislation concerning the repeal of the handgun licensure law, in an electronic format under IC 5-14-6, not later than November 1, 2017.



(f) This SECTION expires December 31, 2017.

SECTION 4. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1071 as introduced.)

SMALTZ

Committee Vote: yeas 8, nays 4.

