

HOUSE BILL No. 1159

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 10-13-3-40; IC 11-9-2-4; IC 11-13-1-3.5; IC 14-16-1-23; IC 21-17-5-6; IC 21-39-4-7; IC 31-30-1-4; IC 35-33-1-1; IC 35-47; IC 35-50-2-13.

Synopsis: Regulation of firearms. Repeals the law that requires a person to obtain a license to carry a handgun in Indiana. Specifies that a person who may otherwise legally carry a handgun is not required to obtain or possess a license or permit from the state to carry a handgun in Indiana. Makes conforming amendments. Allows a resident of Indiana who wishes to carry a firearm in another state under a reciprocity agreement entered into by Indiana and the other state to obtain an Indiana firearms reciprocity license from the superintendent of the state police department.

Effective: July 1, 2017.

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January 9, 2017, read first time and referred to Committee on Public Policy.



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. 1159

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.117-2015,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:

8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.

13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.

16 (3) Minimum standards for courses of study, attendance
17 requirements, equipment, and facilities for approved town, city,



- 1 county, and state law enforcement officer, police reserve officer,
2 and conservation reserve officer training schools.
- 3 (4) Minimum standards for a course of study on cultural diversity
4 awareness, including training on the U nonimmigrant visa created
5 through the federal Victims of Trafficking and Violence
6 Protection Act of 2000 (P.L. 106-386) that must be required for
7 each person accepted for training at a law enforcement training
8 school or academy. Cultural diversity awareness study must
9 include an understanding of cultural issues related to race,
10 religion, gender, age, domestic violence, national origin, and
11 physical and mental disabilities.
- 12 (5) Minimum qualifications for instructors at approved law
13 enforcement training schools.
- 14 (6) Minimum basic training requirements which law enforcement
15 officers appointed to probationary terms shall complete before
16 being eligible for continued or permanent employment.
- 17 (7) Minimum basic training requirements which law enforcement
18 officers appointed on other than a permanent basis shall complete
19 in order to be eligible for continued employment or permanent
20 appointment.
- 21 (8) Minimum basic training requirements which law enforcement
22 officers appointed on a permanent basis shall complete in order
23 to be eligible for continued employment.
- 24 (9) Minimum basic training requirements for each person
25 accepted for training at a law enforcement training school or
26 academy that include six (6) hours of training in interacting with:
27 (A) persons with autism, mental illness, addictive disorders,
28 intellectual disabilities, and developmental disabilities;
29 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
30 and
31 (C) persons with Alzheimer's disease or related senile
32 dementia;
- 33 to be provided by persons approved by the secretary of family and
34 social services and the board. The training must include an
35 overview of the crisis intervention teams.
- 36 (10) Minimum standards for a course of study on human and
37 sexual trafficking that must be required for each person accepted
38 for training at a law enforcement training school or academy and
39 for inservice training programs for law enforcement officers. The
40 course must cover the following topics:
41 (A) Examination of the human and sexual trafficking laws
42 (IC 35-42-3.5).



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



1 (2) an:

2 (A) attorney; or

3 (B) investigator;

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

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

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

16 (1) law enforcement officers;

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

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

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

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



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

- 10 (1) An emergency situation.
- 11 (2) The unavailability of courses.

12 (h) The board shall also adopt rules establishing a town marshal
 13 basic training program, subject to the following:

- 14 (1) The program must require fewer hours of instruction and class
 15 attendance and fewer courses of study than are required for the
 16 mandated basic training program.
- 17 (2) Certain parts of the course materials may be studied by a
 18 candidate at the candidate's home in order to fulfill requirements
 19 of the program.
- 20 (3) Law enforcement officers successfully completing the
 21 requirements of the program are eligible for appointment only in
 22 towns employing the town marshal system (IC 36-5-7) and having
 23 not more than one (1) marshal and two (2) deputies.
- 24 (4) The limitation imposed by subdivision (3) does not apply to an
 25 officer who has successfully completed the mandated basic
 26 training program.
- 27 (5) The time limitations imposed by subsections (b) and (c) for
 28 completing the training are also applicable to the town marshal
 29 basic training program.
- 30 (6) The program must require training in interacting with
 31 individuals with autism.

32 (i) The board shall adopt rules under IC 4-22-2 to establish an
 33 executive training program. The executive training program must
 34 include training in the following areas:

- 35 (1) Liability.
- 36 (2) Media relations.
- 37 (3) Accounting and administration.
- 38 (4) Discipline.
- 39 (5) Department policy making.
- 40 (6) Lawful use of force.
- 41 (7) Department programs.
- 42 (8) Emergency vehicle operation.



- 1 (9) Cultural diversity.
- 2 (j) A police chief shall apply for admission to the executive training
3 program within two (2) months of the date the police chief initially
4 takes office. A police chief must successfully complete the executive
5 training program within six (6) months of the date the police chief
6 initially takes office. However, if space in the executive training
7 program is not available at a time that will allow completion of the
8 executive training program within six (6) months of the date the police
9 chief initially takes office, the police chief must successfully complete
10 the next available executive training program that is offered after the
11 police chief initially takes office.
- 12 (k) A police chief who fails to comply with subsection (j) may not
13 continue to serve as the police chief until completion of the executive
14 training program. For the purposes of this subsection and subsection
15 (j), "police chief" refers to:
- 16 (1) the police chief of any city;
 - 17 (2) the police chief of any town having a metropolitan police
18 department; and
 - 19 (3) the chief of a consolidated law enforcement department
20 established under IC 36-3-1-5.1.
- 21 A town marshal is not considered to be a police chief for these
22 purposes, but a town marshal may enroll in the executive training
23 program.
- 24 (l) A fire investigator in the division of fire and building safety
25 appointed after December 31, 1993, is required to comply with the
26 basic training standards established under this chapter.
- 27 (m) The board shall adopt rules under IC 4-22-2 to establish a
28 program to certify handgun safety courses, including courses offered
29 in the private sector, that meet standards approved by the board for
30 training probation officers in handgun safety as required by
31 ~~IC 11-13-1-3.5(3)~~. **IC 11-13-1-3.5(2)**.
- 32 (n) The board shall adopt rules under IC 4-22-2 to establish a
33 refresher course for an officer who:
- 34 (1) is hired by an Indiana law enforcement department or agency
35 as a law enforcement officer;
 - 36 (2) has not been employed as a law enforcement officer for at
37 least two (2) years and less than six (6) years before the officer is
38 hired under subdivision (1) due to the officer's resignation or
39 retirement; and
 - 40 (3) completed at any time a basic training course certified by the
41 board before the officer is hired under subdivision (1).
- 42 (o) The board shall adopt rules under IC 4-22-2 to establish a



- 1 refresher course for an officer who:
- 2 (1) is hired by an Indiana law enforcement department or agency
- 3 as a law enforcement officer;
- 4 (2) has not been employed as a law enforcement officer for at
- 5 least six (6) years and less than ten (10) years before the officer
- 6 is hired under subdivision (1) due to the officer's resignation or
- 7 retirement;
- 8 (3) is hired under subdivision (1) in an upper level policymaking
- 9 position; and
- 10 (4) completed at any time a basic training course certified by the
- 11 board before the officer is hired under subdivision (1).

12 A refresher course established under this subsection may not exceed

13 one hundred twenty (120) hours of course work. All credit hours

14 received for successfully completing the police chief executive training

15 program under subsection (i) shall be applied toward the refresher

16 course credit hour requirements.

17 (p) Subject to subsection (q), an officer to whom subsection (n) or

18 (o) applies must successfully complete the refresher course described

19 in subsection (n) or (o) not later than six (6) months after the officer's

20 date of hire, or the officer loses the officer's powers of:

- 21 (1) arrest;
- 22 (2) search; and
- 23 (3) seizure.

24 (q) A law enforcement officer who has worked as a law enforcement

25 officer for less than twenty-five (25) years before being hired under

26 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course

27 described in subsection (n) or (o) and must repeat the full basic training

28 course to regain law enforcement powers. However, a law enforcement

29 officer who has worked as a law enforcement officer for at least

30 twenty-five (25) years before being hired under subsection (n)(1) or

31 (o)(1) and who otherwise satisfies the requirements of subsection (n)

32 or (o) is not required to repeat the full basic training course to regain

33 law enforcement power but shall attend the refresher course described

34 in subsection (n) or (o) and the pre-basic training course established

35 under subsection (f).

36 (r) This subsection applies only to a gaming agent employed as a

37 law enforcement officer by the Indiana gaming commission. A gaming

38 agent appointed after June 30, 2005, may exercise the police powers

39 described in subsection (d) if:

- 40 (1) the agent successfully completes the pre-basic course
- 41 established in subsection (f); and
- 42 (2) the agent successfully completes any other training courses



1 established by the Indiana gaming commission in conjunction
2 with the board.

3 (s) This subsection applies only to a securities enforcement officer
4 designated as a law enforcement officer by the securities
5 commissioner. A securities enforcement officer may exercise the police
6 powers described in subsection (d) if:

- 7 (1) the securities enforcement officer successfully completes the
8 pre-basic course established in subsection (f); and
9 (2) the securities enforcement officer successfully completes any
10 other training courses established by the securities commissioner
11 in conjunction with the board.

12 (t) As used in this section, "upper level policymaking position"
13 refers to the following:

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

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

- 20 (A) the position held by the police chief or town marshal; and
21 (B) each position held by the members of the police
22 department or town marshal system in the next rank and pay
23 grade immediately below the police chief or town marshal.

24 (3) If the authorized size of the department or town marshal
25 system is more than fifty (50) members, the term refers to:

- 26 (A) the position held by the police chief or town marshal; and
27 (B) each position held by the members of the police
28 department or town marshal system in the next two (2) ranks
29 and pay grades immediately below the police chief or town
30 marshal.

31 (u) This subsection applies only to a correctional police officer
32 employed by the department of correction. A correctional police officer
33 may exercise the police powers described in subsection (d) if:

- 34 (1) the officer successfully completes the pre-basic course
35 described in subsection (f); and
36 (2) the officer successfully completes any other training courses
37 established by the department of correction in conjunction with
38 the board.

39 SECTION 2. IC 10-13-3-40, AS AMENDED BY P.L.91-2014,
40 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2017]: Sec. 40. If the amount of money that is deposited in the
42 state general fund during a state fiscal year from ~~handgun~~ **reciprocity**



1 license fees (as described in IC 35-47-2-4) exceeds one million one
 2 hundred thousand dollars (\$1,100,000), the excess is appropriated from
 3 the state general fund to the department. An appropriation under this
 4 section is subject to allotment by the budget agency.

5 SECTION 3. IC 11-9-2-4 IS REPEALED [EFFECTIVE JULY 1,
 6 2017]. ~~Sec. 4. The governor may issue a pardon that conditions the~~
 7 ~~removal of all disabilities applicable to holding a handgun permit or~~
 8 ~~other license issued under IC 35-47-2 upon a determination by the~~
 9 ~~superintendent of state police that circumstances have changed to such~~
 10 ~~an extent since the pardoned conviction was entered that the applicant~~
 11 ~~for the permit or license is likely to handle handguns in compliance~~
 12 ~~with the law.~~

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

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

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

23 ~~(3)~~ (2) The probation officer successfully completes a handgun
 24 safety course certified by the law enforcement training board
 25 under IC 5-2-1-9(m).

26 SECTION 5. IC 14-16-1-23, AS AMENDED BY P.L.35-2011,
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2017]: Sec. 23. (a) An individual shall not operate a vehicle
 29 under any of the following conditions:

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

33 (2) While:

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

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

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

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



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



- 1 (A) owns;
 2 (B) has a contractual interest in;
 3 (C) otherwise legally possesses; or
 4 (D) has permission from a person described in clauses (A)
 5 through (C) to possess a firearm on.
- 6 SECTION 6. IC 21-17-5-6, AS ADDED BY P.L.2-2007, SECTION
 7 258, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2017]: Sec. 6. Whenever a police officer retires after at least twenty
 9 (20) years of service, the police officer may retain the officer's service
 10 weapon. The officer is entitled to receive, in recognition of the service
 11 to the educational institution and the public, a badge that indicates that
 12 the officer is retired. Upon retirement, the state police department shall
 13 issue to the police officer an identification card that:
- 14 (1) states the police officer's name and rank at retirement;
 - 15 (2) states the officer's retired status; and
 - 16 (3) notes the officer's authority to retain the service weapon.
- 17 A retired police officer described in this section is entitled to a lifetime
 18 **firearms reciprocity** license to carry a handgun under IC 35-47-2-3(e).
- 19 SECTION 7. IC 21-39-4-7, AS ADDED BY P.L.2-2007, SECTION
 20 280, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2017]: Sec. 7. Whenever a police officer retires after at least twenty
 22 (20) years of service, the police officer may retain the officer's service
 23 weapon. The officer is entitled to receive, in recognition of the service
 24 to the state educational institution and the public, a badge that indicates
 25 that the officer is retired. Upon retirement, the state police department
 26 shall issue to the police officer an identification card that:
- 27 (1) states the police officer's name and rank at retirement;
 - 28 (2) states the officer's retired status; and
 - 29 (3) notes the officer's authority to retain the service weapon.
- 30 A police officer described in this section is entitled to a lifetime
 31 **firearms reciprocity** license to carry a handgun under IC 35-47-2-3(e).
- 32 SECTION 8. IC 31-30-1-4, AS AMENDED BY P.L.28-2016,
 33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2017]: Sec. 4. (a) The juvenile court does not have jurisdiction
 35 over an individual for an alleged violation of:
- 36 (1) IC 35-41-5-1(a) (attempted murder);
 - 37 (2) IC 35-42-1-1 (murder);
 - 38 (3) IC 35-42-3-2 (kidnapping);
 - 39 (4) IC 35-42-4-1 (rape);
 - 40 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
 - 41 (6) IC 35-42-5-1 (robbery) if:
 - 42 (A) the robbery was committed while armed with a deadly



1 weapon; or
 2 (B) the robbery results in bodily injury or serious bodily
 3 injury;
 4 (7) IC 35-42-5-2 (carjacking) (before its repeal);
 5 ~~(8) IC 35-47-2-1 (carrying a handgun without a license); if~~
 6 ~~charged as a felony;~~
 7 ~~(9)~~ **(8)** IC 35-47-10 (children and firearms), if charged as a felony;
 8 or
 9 ~~(10)~~ **(9)** any offense that may be joined under IC 35-34-1-9(a)(2)
 10 with any crime listed in this subsection;
 11 if the individual was at least sixteen (16) years of age but less than
 12 eighteen (18) years of age at the time of the alleged violation.
 13 (b) Once an individual described in subsection (a) has been charged
 14 with any offense listed in subsection (a), the court having adult
 15 criminal jurisdiction shall retain jurisdiction over the case if the
 16 individual pleads guilty to or is convicted of any offense listed in
 17 subsection (a)(1) through ~~(a)(9)~~: **(a)(8)**.
 18 (c) If:
 19 (1) an individual described in subsection (a) is charged with one
 20 (1) or more offenses listed in subsection (a);
 21 (2) all the charges under subsection (a)(1) through ~~(a)(9)~~ **(a)(8)**
 22 resulted in an acquittal or were dismissed; and
 23 (3) the individual pleads guilty to or is convicted of any offense
 24 other than an offense listed in subsection (a)(1) through ~~(a)(9)~~;
 25 **(a)(8)**;
 26 the court having adult criminal jurisdiction may withhold judgment and
 27 transfer jurisdiction to the juvenile court for adjudication and
 28 disposition. In determining whether to transfer jurisdiction to the
 29 juvenile court for adjudication and disposition, the court having adult
 30 criminal jurisdiction shall consider whether there are appropriate
 31 services available in the juvenile justice system, whether the child is
 32 amenable to rehabilitation under the juvenile justice system, and
 33 whether it is in the best interests of the safety and welfare of the
 34 community that the child be transferred to juvenile court. All orders
 35 concerning release conditions remain in effect until a juvenile court
 36 detention hearing, which must be held not later than forty-eight (48)
 37 hours, excluding Saturdays, Sundays, and legal holidays, after the order
 38 of transfer of jurisdiction.
 39 SECTION 9. IC 35-33-1-1, AS AMENDED BY P.L.65-2016,
 40 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2017]: Sec. 1. (a) A law enforcement officer may arrest a
 42 person when the officer has:



- 1 (1) a warrant commanding that the person be arrested;
 2 (2) probable cause to believe the person has committed or
 3 attempted to commit, or is committing or attempting to commit,
 4 a felony;
 5 (3) probable cause to believe the person has violated the
 6 provisions of IC 9-26-1-1.1 or IC 9-30-5;
 7 (4) probable cause to believe the person is committing or
 8 attempting to commit a misdemeanor in the officer's presence;
 9 (5) probable cause to believe the person has committed a:
 10 (A) battery resulting in bodily injury under IC 35-42-2-1; or
 11 (B) domestic battery under IC 35-42-2-1.3.
 12 The officer may use an affidavit executed by an individual alleged
 13 to have direct knowledge of the incident alleging the elements of
 14 the offense of battery to establish probable cause;
 15 (6) probable cause to believe that the person violated
 16 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;
 17 ~~(7) probable cause to believe that the person violated~~
 18 ~~IC 35-47-2-1 (carrying a handgun without a license) or~~
 19 ~~IC 35-47-2-22 (counterfeit handgun license);~~
 20 ~~(8)~~ (7) probable cause to believe that the person is violating or has
 21 violated an order issued under IC 35-50-7;
 22 ~~(9)~~ (8) probable cause to believe that the person is violating or has
 23 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
 24 device);
 25 ~~(10)~~ (9) probable cause to believe that the person is:
 26 (A) violating or has violated IC 35-45-2-5 (interference with
 27 the reporting of a crime); and
 28 (B) interfering with or preventing the reporting of a crime
 29 involving domestic or family violence (as defined in
 30 IC 34-6-2-34.5);
 31 ~~(11)~~ (10) probable cause to believe that the person has committed
 32 theft (IC 35-43-4-2);
 33 ~~(12)~~ (11) a removal order issued for the person by an immigration
 34 court;
 35 ~~(13)~~ (12) a detainer or notice of action for the person issued by the
 36 United States Department of Homeland Security; or
 37 ~~(14)~~ (13) probable cause to believe that the person has been
 38 indicted for or convicted of one (1) or more aggravated felonies
 39 (as defined in 8 U.S.C. 1101(a)(43)).
 40 (b) A person who:
 41 (1) is employed full time as a federal enforcement officer;
 42 (2) is empowered to effect an arrest with or without warrant for a



1 violation of the United States Code; and

2 (3) is authorized to carry firearms in the performance of the
3 person's duties;

4 may act as an officer for the arrest of offenders against the laws of this
5 state where the person reasonably believes that a felony has been or is
6 about to be committed or attempted in the person's presence.

7 SECTION 10. IC 35-47-2-1, AS AMENDED BY P.L.158-2013,
8 SECTION 573, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) Except as provided in
10 subsections (b) and (c) and section 2 of this chapter, a person shall not
11 carry a handgun in any vehicle or on or about the person's body without
12 being licensed under this chapter to carry a handgun.

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.
 6 (e) Unless the person's right to possess a firearm has been restored
 7 under IC 35-47-4-7, a person who has been convicted of domestic
 8 battery under IC 35-42-2-1.3 may not possess or carry a handgun.
 9 (d) This section **chapter** may be not construed:
 10 (1) to prohibit a person who owns, leases, rents, or otherwise
 11 legally controls private property from regulating or prohibiting the
 12 possession of firearms on the private property;
 13 (2) to allow a person to adopt or enforce an ordinance, resolution,
 14 policy, or rule that:
 15 (A) prohibits; or
 16 (B) has the effect of prohibiting;
 17 an employee of the person from possessing a firearm or
 18 ammunition that is locked in the trunk of the employee's vehicle,
 19 kept in the glove compartment of the employee's locked vehicle,
 20 or stored out of plain sight in the employee's locked vehicle,
 21 unless the person's adoption or enforcement of the ordinance,
 22 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or
 23 (3) to allow a person to adopt or enforce a law, statute, ordinance,
 24 resolution, policy, or rule that allows a person to possess or
 25 transport a firearm or ammunition if the person is prohibited from
 26 possessing or transporting the firearm or ammunition by state or
 27 federal law.
 28 (e) A person who knowingly or intentionally violates this section
 29 commits a Class A misdemeanor. However, the offense is a Level 5
 30 felony:
 31 (1) if the offense is committed:
 32 (A) on or in school property;
 33 (B) within five hundred (500) feet of school property; or
 34 (C) on a school bus; or
 35 (2) if the person:
 36 (A) has a prior conviction of any offense under:
 37 (i) this section; or
 38 (ii) section 22 of this chapter; or
 39 (B) has been convicted of a felony within fifteen (15) years
 40 before the date of the offense.
 41 SECTION 11. IC 35-47-2-1.5 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2017]: Sec. 1.5. (a) Unless the person's right
 2 to possess a firearm has been restored under IC 35-47-4-7, a person
 3 who has been convicted of domestic battery under IC 35-42-2-1.3
 4 may not possess or carry a handgun.

5 (b) A person who knowingly or intentionally violates this section
 6 commits a Class A misdemeanor. However, the offense is a Level
 7 5 felony:

8 (1) if the offense is committed:

9 (A) on or in school property;

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

11 (C) on a school bus; or

12 (2) if the person:

13 (A) has a prior conviction for an offense under this section;

14 or

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

17 SECTION 12. IC 35-47-2-2 IS REPEALED [EFFECTIVE JULY 1,
 18 2017]. Sec. 2: Section † of this chapter does not apply to:

19 (†) marshals;

20 (2) sheriffs;

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

23 (4) judicial officers;

24 (5) law enforcement officers;

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

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

31 (8) employees of the United States duly authorized to carry
 32 handguns;

33 (9) employees of express companies when engaged in company
 34 business; or

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

40 SECTION 13. IC 35-47-2-3, AS AMENDED BY P.L.158-2013,
 41 SECTION 574, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) A person desiring a license



1 ~~to carry~~ who is not otherwise prohibited from carrying or
 2 ~~possessing~~ a handgun shall ~~apply~~ is not required to obtain or
 3 ~~possess~~ a license or permit from the state to carry a handgun in
 4 ~~Indiana~~. A resident of this state who wishes to carry a firearm in
 5 another state under a reciprocity agreement entered into by this
 6 state and the other state may obtain an Indiana firearms
 7 reciprocity license under this chapter by applying:

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

18 The superintendent and local law enforcement agencies shall allow an
 19 applicant desiring to obtain or renew a **reciprocity** license ~~to carry a~~
 20 ~~handgun~~ to submit an application electronically under this chapter if
 21 funds are available to establish and maintain an electronic application
 22 system.

23 (b) The law enforcement agency which accepts an application for a
 24 ~~handgun~~ **reciprocity** license shall collect the following application
 25 fees:

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

39 Except as provided in subsection (h), the fee shall be deposited into the
 40 law enforcement agency's firearms training fund or other appropriate
 41 training activities fund and used by the agency to train law enforcement
 42 officers in the proper use of firearms or in other law enforcement



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

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

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

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

32 (1) has a proper reason for ~~carrying a handgun~~, **receiving a**
 33 **reciprocity license**;

34 (2) is of good character and reputation;

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

36 (4) is:

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

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

40 the superintendent shall issue to the applicant a ~~qualified or an~~
 41 ~~unlimited reciprocity~~ license. ~~to carry any handgun lawfully possessed~~
 42 ~~by the applicant~~. The original license shall be delivered to the licensee.



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

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

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

19 (2) is:

20 (A) recommended by a nonprofit educational organization that
 21 is dedicated to providing education on safe handling and use
 22 of firearms;

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

24 (C) approved by the superintendent.

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

31 (g) A **reciprocity** license to ~~carry a handgun~~ shall not be issued to
 32 any person who:

33 (1) has been convicted of a felony;

34 (2) has had a **reciprocity** license to ~~carry a handgun~~ suspended,
 35 unless the person's license has been reinstated;

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

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

40 (5) has been arrested for a Class A or Class B felony for an
 41 offense committed before July 1, 2014, for a Level 1, Level 2,
 42 Level 3, or Level 4 felony for an offense committed after June 30,



- 1 2014, or any other felony that was committed while armed with
 2 a deadly weapon or that involved the use of violence, if a court
 3 has found probable cause to believe that the person committed the
 4 offense charged.
- 5 In the case of an arrest under subdivision (5), a **reciprocity** license ~~to~~
 6 ~~carry a handgun~~ may be issued to a person who has been acquitted of
 7 the specific offense charged or if the charges for the specific offense
 8 are dismissed. The superintendent shall prescribe all forms to be used
 9 in connection with the administration of this chapter.
- 10 (h) If the law enforcement agency that charges a fee under
 11 subsection (b) is a city or town law enforcement agency, the fee shall
 12 be deposited in the law enforcement continuing education fund
 13 established under IC 5-2-8-2.
- 14 (i) If a person who holds a valid **reciprocity** license ~~to carry a~~
 15 ~~handgun~~ issued under this chapter:
- 16 (1) changes the person's name;
 - 17 (2) changes the person's address; or
 - 18 (3) experiences a change, including an arrest or a conviction, that
 19 may affect the person's status as a proper person (as defined in
 20 IC 35-47-1-7) or otherwise disqualify the person from holding a
 21 license;
- 22 the person shall, not later than thirty (30) days after the date of a
 23 change described under subdivision (3), and not later than sixty (60)
 24 days after the date of the change described under subdivision (1) or (2),
 25 notify the superintendent, in writing, of the event described under
 26 subdivision (3) or, in the case of a change under subdivision (1) or (2),
 27 the person's new name or new address.
- 28 (j) The state police shall indicate on the form for a **reciprocity**
 29 license ~~to carry a handgun~~ the notification requirements of subsection
 30 (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 **reciprocity** license ~~to carry a handgun~~ so
 36 that a person who applies to renew a license will not be required to
 37 submit an 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 **reciprocity** 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 **reciprocity** license ~~to carry a handgun~~ issued under this
 9 chapter.
 10 (3) The name, address, and any other information that may be
 11 used to identify a person who holds a **reciprocity** license ~~to carry~~
 12 ~~a handgun~~ issued under this chapter.
 13 (m) Notwithstanding subsection (l):
 14 (1) any information concerning an applicant for or a person who
 15 holds a **reciprocity** license ~~to carry a handgun~~ issued under this
 16 chapter may be released to a federal, state, or local government
 17 entity:
 18 (A) for law enforcement purposes; or
 19 (B) to determine the validity of a **reciprocity** license; ~~to carry~~
 20 ~~a handgun~~; and
 21 (2) general information concerning the issuance of **reciprocity**
 22 licenses ~~to carry handguns in Indiana~~ may be released to a person
 23 conducting journalistic or academic research, but only if all
 24 personal information that could disclose the identity of any person
 25 who holds a **reciprocity** license ~~to carry a handgun~~ issued under
 26 this chapter has been removed from the general information.
 27 (n) A person who knowingly or intentionally violates this section
 28 commits a Class B misdemeanor.
 29 SECTION 14. IC 35-47-2-4, AS AMENDED BY P.L.158-2013,
 30 SECTION 575, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) **Reciprocity** licenses ~~to carry~~
 32 ~~handguns shall be either qualified or unlimited; and issued under~~
 33 **section 3 of this chapter** are valid for:
 34 (1) four (4) years from the date of issue in the case of a four (4)
 35 year license; or
 36 (2) the life of the individual receiving the license in the case of a
 37 lifetime license.
 38 A qualified license shall be issued for hunting and target practice. The
 39 superintendent may adopt rules imposing limitations on the use and
 40 carrying of handguns under a license when handguns are carried by a
 41 licensee as a condition of employment. Unlimited licenses shall be
 42 issued for the purpose of the protection of life and property.



1 (b) In addition to the application fee, the fee for:

2 (1) a qualified license shall be:

3 (A) five dollars (\$5) for a four (4) year qualified license;

4 (B) twenty-five dollars (\$25) for a lifetime qualified license
5 from a person who does not currently possess a valid Indiana
6 handgun license; or

7 (C) twenty dollars (\$20) for a lifetime qualified license from
8 a person who currently possesses a valid Indiana handgun
9 license; and

10 (2) an unlimited license shall be:

11 (A) thirty dollars (\$30) for a four (4) year unlimited license;

12 (B) seventy-five dollars (\$75) for a lifetime unlimited license
13 from a person who does not currently possess a valid Indiana
14 handgun license; or

15 (C) sixty dollars (\$60) for a lifetime unlimited license from a
16 person who currently possesses a valid Indiana handgun
17 license.

18 (b) The superintendent shall charge a twenty dollar (\$20) fee for the
19 issuance of a duplicate **reciprocity** license to replace a lost or damaged
20 license. ~~These fees~~ **The fee** shall be deposited in accordance with
21 subsection ~~(e)~~: **(d)**.

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

24 ~~(d)~~ **(c)** The following officers of this state or the United States who
25 have been honorably retired by a lawfully created pension board or its
26 equivalent after at least twenty (20) years of service or because of a
27 disability are exempt from the payment of ~~fees~~ **the fee** specified in
28 subsection (b):

29 (1) Police officers.

30 (2) Sheriffs or their deputies.

31 (3) Law enforcement officers.

32 (4) Correctional officers.

33 ~~(e)~~ **(d)** Fees collected under this section shall be deposited in the
34 state general fund.

35 ~~(f)~~ **(e)** The superintendent may not issue a lifetime ~~qualified license~~
36 ~~or a lifetime unlimited reciprocity~~ license to a person who is a resident
37 of another state. The superintendent may issue a four (4) year ~~qualified~~
38 ~~license or a four (4) year unlimited reciprocity~~ license to a person who
39 is a resident of another state and who has a regular place of business or
40 employment in Indiana as described in section 3(a)(3) of this chapter.

41 ~~(g)~~ **(f)** A person who knowingly or intentionally violates this section
42 commits a Class B misdemeanor.



1 SECTION 15. IC 35-47-2-5, AS AMENDED BY P.L.158-2013,
 2 SECTION 576, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) The superintendent may
 4 suspend or revoke any **reciprocity** license issued under this chapter if
 5 the superintendent has reasonable grounds to believe that the person's
 6 license should be suspended or revoked.

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

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

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

25 SECTION 16. IC 35-47-2-17, AS AMENDED BY P.L.158-2013,
 26 SECTION 581, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2017]: Sec. 17. (a) No person, in purchasing or
 28 otherwise securing delivery of a firearm or in applying for a
 29 **reciprocity** license, ~~to carry a handgun,~~ shall knowingly or
 30 intentionally:

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

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

42 (b) A person who knowingly or intentionally violates this section



1 commits a Level 5 felony.
 2 SECTION 17. IC 35-47-2-20 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 20. (a) A full pardon
 4 from the governor of Indiana for:
 5 (1) a felony other than a felony that is included in IC 35-42; or
 6 (2) a violation of this chapter;
 7 removes any disability under this chapter imposed because of that
 8 offense, if fifteen (15) years have elapsed between the time of the
 9 offense and the application for a license under this chapter.
 10 (b) A conditional pardon described in IC 11-9-2-4 for:
 11 (1) a felony; or
 12 (2) a violation of this chapter;
 13 removes a disability under this chapter if the superintendent determines
 14 after an investigation that circumstances have changed since the
 15 pardoned conviction was entered to such an extent that the pardoned
 16 person is likely to handle handguns in compliance with the law.
 17 SECTION 18. IC 35-47-2-22 IS REPEALED [EFFECTIVE JULY
 18 1, 2017]. Sec. 22: (a) It is unlawful for any person to use, or to attempt
 19 to use; a false, counterfeit, spurious, or altered handgun-carrying
 20 license to obtain a handgun contrary to the provisions of this chapter.
 21 (b) A person who knowingly or intentionally violates this section
 22 commits a Level 6 felony.
 23 SECTION 19. IC 35-47-2-24 IS REPEALED [EFFECTIVE JULY
 24 1, 2017]. Sec. 24: (a) In an information or indictment brought for the
 25 enforcement of any provision of this chapter, it is not necessary to
 26 negate any exemption specified under this chapter, or to allege the
 27 absence of a license required under this chapter. The burden of proof
 28 is on the defendant to prove that he is exempt under section 2 of this
 29 chapter, or that he has a license as required under this chapter.
 30 (b) Whenever a person who has been arrested or charged with a
 31 violation of section 1 of this chapter presents a valid license to the
 32 prosecuting attorney or establishes that he is exempt under section 2 of
 33 this chapter, any prosecution for a violation of section 1 of this chapter
 34 shall be dismissed immediately, and all records of an arrest or
 35 proceedings following arrest shall be destroyed immediately.
 36 SECTION 20. IC 35-47-2.5-1, AS AMENDED BY P.L.152-2014,
 37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2017]: Sec. 1. (a) Sections 2 through 5 of this chapter do not
 39 apply to the following:
 40 (1) Transactions between persons who are licensed as firearms
 41 importers or collectors or firearms manufacturers or dealers under
 42 18 U.S.C. 923.



- 1 (2) Purchases by or sales to a law enforcement officer or agent of
- 2 the United States, the state, or a county or local government.
- 3 (3) Indiana residents ~~licensed to carry handguns under~~
- 4 ~~IC 35-47-2-3~~ **in possession of a reciprocity license described**
- 5 **in IC 35-47-2-3.**

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

- 9 (1) the state participates in the NICS; and
- 10 (2) there is a conflict between:
 - 11 (A) a provision of this chapter; and
 - 12 (B) a procedure required under the NICS;

13 the procedure required under the NICS prevails over the conflicting
 14 provision of this chapter.

15 SECTION 21. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2017]: Sec. 4. This chapter may not be construed to prevent
 18 any of the following:

- 19 (1) A law enforcement agency of a political subdivision from
- 20 enacting and enforcing regulations pertaining to firearms,
- 21 ammunition, or firearm accessories issued to or used by law
- 22 enforcement officers in the course of their official duties.
- 23 (2) Subject to IC 34-28-7-2, an employer from regulating or
- 24 prohibiting the employees of the employer from carrying firearms
- 25 and ammunition in the course of the employee's official duties.
- 26 (3) A court or administrative law judge from hearing and
- 27 resolving any case or controversy or issuing any opinion or order
- 28 on a matter within the jurisdiction of the court or judge.
- 29 (4) The enactment or enforcement of generally applicable zoning
- 30 or business ordinances that apply to firearms businesses to the
- 31 same degree as other similar businesses. However, a provision of
- 32 an ordinance that is designed or enforced to effectively restrict or
- 33 prohibit the sale, purchase, transfer, manufacture, or display of
- 34 firearms, ammunition, or firearm accessories that is otherwise
- 35 lawful under the laws of this state is void. A unit (as defined in
- 36 IC 36-1-2-23) may not use the unit's planning and zoning powers
- 37 under IC 36-7-4 to prohibit the sale of firearms within a
- 38 prescribed distance of any other type of commercial property or
- 39 of school property or other educational property.
- 40 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a
- 41 provision prohibiting or restricting the possession of a firearm in
- 42 any building that contains the courtroom of a circuit, superior,



1 city, town, or small claims court. However, if a portion of the
2 building is occupied by a residential tenant or private business,
3 any provision restricting or prohibiting the possession of a firearm
4 does not apply to the portion of the building that is occupied by
5 the residential tenant or private business, or to common areas of
6 the building used by a residential tenant or private business.

7 (6) The enactment or enforcement of a provision prohibiting or
8 restricting the intentional display of a firearm at a public meeting.

9 (7) The enactment or enforcement of a provision prohibiting or
10 restricting the possession of a firearm in a public hospital
11 corporation that contains a secure correctional health unit that is
12 staffed by a law enforcement officer twenty-four (24) hours a day.

13 (8) The imposition of any restriction or condition placed on a
14 person participating in:

15 (A) a community corrections program (IC 11-12-1);

16 (B) a forensic diversion program (IC 11-12-3.7); or

17 (C) a pretrial diversion program (IC 33-39-1).

18 (9) The enforcement or prosecution of the offense of criminal
19 recklessness (IC 35-42-2-2) involving the use of a firearm.

20 (10) For an event occurring on property leased from a political
21 subdivision or municipal corporation by the promoter or organizer
22 of the event:

23 (A) the establishment, by the promoter or organizer, at the
24 promoter's or organizer's own discretion, of rules of conduct or
25 admission upon which attendance at or participation in the
26 event is conditioned; or

27 (B) the implementation or enforcement of the rules of conduct
28 or admission described in clause (A) by a political subdivision
29 or municipal corporation in connection with the event.

30 (11) The enactment or enforcement of a provision prohibiting or
31 restricting the possession of a firearm in a hospital established
32 and operated under IC 16-22-2 or IC 16-23.

33 (12) A unit from using the unit's planning and zoning powers
34 under IC 36-7-4 to prohibit the sale of firearms within two
35 hundred (200) feet of a school by a person having a business that
36 did not sell firearms within two hundred (200) feet of a school
37 before April 1, 1994.

38 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)
39 from enacting or enforcing a provision prohibiting or restricting
40 the possession of a firearm in a building owned or administered
41 by the unit if:

42 (A) metal detection devices are located at each public entrance



1 to the building;

2 (B) each public entrance to the building is staffed by at least
3 one (1) law enforcement officer:

4 (i) who has been adequately trained to conduct inspections
5 of persons entering the building by use of metal detection
6 devices and proper physical pat down searches; and

7 (ii) when the building is open to the public; and

8 (C) each:

9 (i) individual who enters the building through the public
10 entrance when the building is open to the public; and

11 (ii) bag, package, and other container carried by the
12 individual;

13 is inspected by a law enforcement officer described in clause
14 (B).

15 However, except as provided in subdivision (5) concerning a
16 building that contains a courtroom, a unit may not prohibit or
17 restrict the possession of a handgun under this subdivision in a
18 building owned or administered by the unit if the person who
19 possesses the handgun ~~has been issued a valid license to carry the~~
20 ~~handgun under IC 35-47-2. is not otherwise prohibited from~~
21 **carrying or possessing a handgun.**

22 SECTION 22. IC 35-47-14-6, AS ADDED BY P.L.1-2006,
23 SECTION 537, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) In a hearing conducted under
25 section 5 of this chapter, the state has the burden of proving all material
26 facts by clear and convincing evidence.

27 (b) If the court, in a hearing under section 5 of this chapter,
28 determines that the state has proved by clear and convincing evidence
29 that the individual is dangerous, the court may order that the law
30 enforcement agency having custody of the seized firearm retain the
31 firearm. In addition, if the individual has received a **firearms**
32 **reciprocity** license to carry a handgun, under IC 35-47-2-3, the court
33 shall suspend the individual's **firearms reciprocity** license. to carry a
34 handgun. If the court determines that the state has failed to prove that
35 the individual is dangerous, the court shall order the law enforcement
36 agency having custody of the firearm to return the firearm to the
37 individual from whom it was seized.

38 (c) If the court, in a hearing under section 5 of this chapter, orders
39 a law enforcement agency to retain a firearm, the law enforcement
40 agency shall retain the firearm until the court orders the firearm
41 returned or otherwise disposed of.

42 SECTION 23. IC 35-50-2-13, AS AMENDED BY P.L.84-2015,



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2017]: Sec. 13. (a) The state may seek, on a page separate
 3 from the rest of a charging instrument, to have a person who allegedly
 4 committed an offense of dealing in a controlled substance under
 5 IC 35-48-4-1 through IC 35-48-4-4 sentenced to an additional fixed
 6 term of imprisonment if the state can show beyond a reasonable doubt
 7 that the person knowingly or intentionally:

8 (1) used a firearm; or

9 (2) possessed a:

10 ~~(A) handgun in violation of IC 35-47-2-1;~~

11 ~~(B) (A) sawed-off shotgun in violation of federal law; or~~

12 ~~(C) (B) machine gun in violation of IC 35-47-5-8;~~

13 while committing the offense.

14 (b) If the person was convicted of the offense in a jury trial, the jury
 15 shall reconvene to hear evidence in the enhancement hearing. If the
 16 trial was to the court, or the judgment was entered on a guilty plea, the
 17 court alone shall hear evidence in the enhancement hearing.

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

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

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

