

SENATE BILL No. 429

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2.

Synopsis: Regulation of firearms. Removes provisions requiring an applicant to pay an application fee when applying for a four year license to carry a handgun. Removes provisions requiring an applicant to submit fingerprints when applying for a four year license to carry a handgun or a lifetime license to carry a handgun. Requires the superintendent of the state police to charge: (1) \$75 for a lifetime handgun license for a person who does not currently possess a valid Indiana handgun license; and (2) \$60 for a lifetime license for a person who currently possesses a valid Indiana handgun license. Requires use of a person's Social Security number when: (1) applying for; or (2) investigating the eligibility of a person to receive; a license to carry a handgun. Removes provisions pertaining to qualified licenses and unlimited licenses.

Effective: July 1, 2018.

Bray

January 10, 2018, read first time and referred to Committee on Judiciary.



Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 429

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 35-47-2-3, AS AMENDED BY THE TECHNICAL
2 CORRECTIONS BILL OF THE 2018 GENERAL ASSEMBLY, IS
3 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:
4 Sec. 3. (a) A person desiring a license to carry a handgun shall apply:
5 (1) to the chief of police or corresponding law enforcement officer
6 of the municipality in which the applicant resides;
7 (2) if that municipality has no such officer, or if the applicant does
8 not reside in a municipality, to the sheriff of the county in which
9 the applicant resides after the applicant has obtained an
10 application form prescribed by the superintendent; or
11 (3) if the applicant is a resident of another state and has a regular
12 place of business or employment in Indiana, to the sheriff of the
13 county in which the applicant has a regular place of business or
14 employment.
15 The superintendent and local law enforcement agencies shall allow an
16 applicant desiring to obtain or renew a license to carry a handgun to
17 submit an application electronically under this chapter if funds are



1 available to establish and maintain an electronic application system.

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

4 (1) From a person applying for a four (4) year handgun license, a
5 ~~ten dollar (\$10) application fee, five dollars (\$5) of which shall be~~
6 ~~refunded if the license is not issued.~~ **no fee shall be collected.**

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

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

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

24 (c) The officer to whom the application is made shall ascertain the
25 applicant's name, **Social Security number**, full address, length of
26 residence in the community, whether the applicant's residence is
27 located within the limits of any city or town, the applicant's occupation,
28 place of business or employment, criminal record, if any, and
29 convictions (minor traffic offenses excepted), age, race, sex,
30 nationality, date of birth, citizenship, height, weight, build, color of
31 hair, color of eyes, scars and marks, whether the applicant has
32 previously held an Indiana license to carry a handgun and, if so, the
33 serial number of the license and year issued, whether the applicant's
34 license has ever been suspended or revoked, and if so, the year and
35 reason for the suspension or revocation, and the applicant's reason for
36 desiring a license. The officer to whom the application is made shall
37 conduct an investigation into the applicant's official records and verify
38 thereby the applicant's character and reputation, and shall in addition
39 verify for accuracy the information contained in the application and
40 shall forward this information together with the officer's
41 recommendation for approval or disapproval ~~and one (1) set of legible~~
42 ~~and classifiable fingerprints of the applicant~~ to the superintendent.



1 (d) The superintendent may make whatever further investigation the
 2 superintendent deems necessary. Whenever disapproval is
 3 recommended, the officer to whom the application is made shall
 4 provide the superintendent and the applicant with the officer's complete
 5 and specific reasons, in writing, for the recommendation of
 6 disapproval.

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

8 (1) has a proper reason for carrying a handgun;

9 (2) is of good character and reputation;

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

11 (4) is:

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

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

15 the superintendent shall issue to the applicant a qualified or an
 16 unlimited license to carry any handgun lawfully possessed by the
 17 applicant. The original license shall be delivered to the licensee. A
 18 copy shall be delivered to the officer to whom the application for
 19 license was made. A copy shall be retained by the superintendent for
 20 at least four (4) years in the case of a four (4) year license. The
 21 superintendent may adopt guidelines to establish a records retention
 22 policy for a lifetime license. A four (4) year license shall be valid for
 23 a period of four (4) years from the date of issue. A lifetime license is
 24 valid for the life of the individual receiving the license. The license of
 25 police officers, sheriffs or their deputies, and law enforcement officers
 26 of the United States government who have *been honorably retired by*
 27 *a lawfully created pension board or its equivalent after* twenty (20) or
 28 more years of service shall be valid for the life of these individuals.
 29 However, a lifetime license is automatically revoked if the license
 30 holder does not remain a proper person.

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

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

36 (2) is:

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

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

41 (C) approved by the superintendent.

42 The superintendent may not deny a license under this section because



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

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

- 8 (1) has been convicted of a felony;
- 9 (2) has had a license to carry a handgun suspended, unless the
 10 person's license has been reinstated;
- 11 (3) is under eighteen (18) years of age;
- 12 (4) is under twenty-three (23) years of age if the person has been
 13 adjudicated a delinquent child for an act that would be a felony if
 14 committed by an adult; or
- 15 (5) has been arrested for a Class A or Class B felony for an
 16 offense committed before July 1, 2014, for a Level 1, Level 2,
 17 Level 3, or Level 4 felony for an offense committed after June 30,
 18 2014, or any other felony that was committed while armed with
 19 a deadly weapon or that involved the use of violence, if a court
 20 has found probable cause to believe that the person committed the
 21 offense charged.

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

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

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

- 33 (1) changes the person's name;
- 34 (2) changes the person's address; or
- 35 (3) experiences a change, including an arrest or a conviction, that
 36 may affect the person's status as a proper person (as defined in
 37 IC 35-47-1-7) or otherwise disqualify the person from holding a
 38 license;

39 the person shall, not later than thirty (30) days after the date of a
 40 change described under subdivision (3), and not later than sixty (60)
 41 days after the date of the change described under subdivision (1) or (2),
 42 notify the superintendent, in writing, of the event described under



1 subdivision (3) or, in the case of a change under subdivision (1) or (2),
2 the person's new name or new address.

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

5 (k) The state police department shall adopt rules under IC 4-22-2 to:

6 (1) implement an electronic application system under subsection

7 (a); and

8 (2) expedite the processing of an application made by a person
9 described in ~~IC 35-47-2-2.1(b)~~. **section 2.1(b) of this chapter.**

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

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

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

19 (A) obtain; or

20 (B) renew;

21 a license to carry a handgun.

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

25 (A) obtain; or

26 (B) renew;

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

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

31 (m) Notwithstanding subsection (l):

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

35 (A) for law enforcement purposes; or

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

37 and

38 (2) general information concerning the issuance of licenses to
39 carry handguns in Indiana may be released to a person conducting
40 journalistic or academic research, but only if all personal
41 information that could disclose the identity of any person who
42 holds a license to carry a handgun issued under this chapter has



1 been removed from the general information.

2 (n) A person who knowingly or intentionally violates this section
3 commits a Class B misdemeanor.

4 SECTION 2. IC 35-47-2-4, AS AMENDED BY P.L.17-2017,
5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2018]: Sec. 4. (a) Licenses to carry handguns ~~shall be either~~
7 ~~qualified or unlimited; and issued under section 3 of this chapter~~ are
8 valid for:

9 (1) four (4) years from the date of issue in the case of a four (4)
10 year license; or

11 (2) the life of the individual receiving the license in the case of a
12 lifetime license.

13 A qualified license shall be issued for hunting and target practice. The
14 superintendent may adopt rules imposing limitations on the use and
15 carrying of handguns under a license when handguns are carried by a
16 licensee as a condition of employment. Unlimited licenses shall be
17 issued for the purpose of the protection of life and property.

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

19 (1) a qualified license shall be:

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

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

24 (C) twenty dollars (\$20) for a lifetime qualified license from
25 a person who currently possesses a valid Indiana handgun
26 license; and

27 (2) an unlimited license shall be:

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

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

32 (C) sixty dollars (\$60) for a lifetime unlimited license from a
33 person who currently possesses a valid Indiana handgun
34 license.

35 (b) The superintendent shall charge a twenty dollar (\$20) fee for the
36 issuance of a duplicate license to replace a lost or damaged license.

37 **The superintendent shall charge:**

38 (1) twenty dollars (\$20) for the issuance of a duplicate or
39 replacement four (4) year or lifetime license;

40 (2) seventy-five dollars (\$75) for a lifetime license for a person
41 who does not currently possess a valid Indiana handgun
42 license; or



1 **(3) sixty dollars (\$60) for a lifetime license for a person who**
 2 **currently possesses a valid Indiana handgun license.**
 3 These fees shall be deposited in accordance with subsection ~~(f)~~: **(e)**.
 4 ~~(c)~~ **(e)** Licensed dealers are exempt from the payment of fees specified
 5 in subsection (b) for a ~~qualified~~ license or an ~~unlimited~~ license.
 6 ~~(d)~~ **(c)** The following officers of this state or the United States who
 7 have been honorably retired by a lawfully created pension board or its
 8 equivalent after at least twenty (20) years of service or because of a
 9 disability are exempt from the payment of ~~fees~~ **the fee** specified in
 10 subsection (b):
 11 (1) Police officers.
 12 (2) Sheriffs or their deputies.
 13 (3) Law enforcement officers.
 14 (4) Correctional officers.
 15 ~~(e)~~ **(d)** The following officers described in section 3(e) of this
 16 chapter who have at least twenty (20) years of service are exempt from
 17 the payment of ~~fees~~ **the fee** for a lifetime ~~qualified~~ license or a lifetime
 18 ~~unlimited~~ license specified in subsection (b):
 19 (1) Police officers.
 20 (2) Sheriffs or their deputies.
 21 (3) Law enforcement officers of the United States government.
 22 ~~(f)~~ **(e)** Fees collected under this section shall be deposited in the
 23 state general fund.
 24 ~~(g)~~ **(f)** The superintendent may not issue a lifetime ~~qualified~~ license
 25 or a lifetime ~~unlimited~~ license to a person who is a resident of another
 26 state. The superintendent may issue a four (4) year ~~qualified~~ license or
 27 a ~~four (4) year~~ ~~unlimited~~ license to a person who is a resident of
 28 another state and who has a regular place of business or employment
 29 in Indiana as described in section 3(a)(3) of this chapter.
 30 ~~(h)~~ **(g)** A person who knowingly or intentionally violates this section
 31 commits a Class B misdemeanor.

