

HOUSE BILL No. 1232

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7-18-2; IC 5-2-1-9; 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 35-31.5-2-78; IC 35-33-1-1; IC 35-47; IC 35-50-2-13.

Synopsis: Right to carry a handgun. Repeals the law that requires a person to obtain a license to carry a handgun in Indiana. Specifies that certain persons who are not otherwise prohibited from carrying or possessing a handgun are not required to obtain or possess a license or permit from the state to carry a handgun in Indiana. Prohibits certain individuals from knowingly or intentionally carrying a handgun. Creates the crime of "unlawful carrying of a handgun". Provides that a prohibited person who knowingly or intentionally carries a handgun commits a Class A misdemeanor. Specifies that the unlawful carrying of a handgun is a Level 4 felony when a person: (1) is less than 21 years of age; and (2) has an adjudication as a delinquent child for an act described by IC 35-47-4-5 (unlawful possession of a firearm by a serious violent felon). 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 from the superintendent of the state police department a reciprocity license. Requires law enforcement agencies to make use of certain data bases when issuing reciprocity licenses. Makes conforming amendments.

Effective: July 1, 2021.

Prescott, Mayfield, Torr, May

January 14, 2021, read first time and referred to Committee on Public Policy.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1232

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 3-7-18-2, AS AMENDED BY P.L.107-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 2. (a) Except as provided in subsection (b) and as
4 provided in 52 U.S.C. 20506(a)(4)(A)(i) and 52 U.S.C. 20506(a)(6)(A),
5 an agency designated under IC 3-7-19 (board of registration offices),
6 IC 3-7-20.5 (unemployment compensation offices and law enforcement
7 offices), and IC 3-7-21 (additional designated voter registration offices)
8 shall distribute a voter registration form prescribed under this chapter
9 to each person applying for assistance from the agency whenever the
10 applicant:
11 (1) applies for service or assistance;
12 (2) applies for recertification or renewal of services or assistance;
13 or
14 (3) submits a change of address form relating to the service or
15 assistance;
16 unless the applicant declines in writing to register to vote.
17 (b) A law enforcement agency is not required to distribute the voter



1 registration form described under subsection (a) unless a person is
 2 applying for a ~~license to carry a handgun~~ **reciprocity license** under
 3 IC 35-47-2-3.

4 SECTION 2. IC 5-2-1-9, AS AMENDED BY P.L.86-2018,
 5 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 9. (a) The board shall adopt in accordance with
 7 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
 8 The rules, which shall be adopted only after necessary and proper
 9 investigation and inquiry by the board, shall include the establishment
 10 of the following:

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

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

19 (3) Minimum standards for courses of study, attendance
 20 requirements, equipment, and facilities for approved town, city,
 21 county, and state law enforcement officer, police reserve officer,
 22 and conservation reserve officer training schools.

23 (4) Minimum standards for a course of study on cultural diversity
 24 awareness, including training on the U nonimmigrant visa created
 25 through the federal Victims of Trafficking and Violence
 26 Protection Act of 2000 (P.L. 106-386) that must be required for
 27 each person accepted for training at a law enforcement training
 28 school or academy. Cultural diversity awareness study must
 29 include an understanding of cultural issues related to race,
 30 religion, gender, age, domestic violence, national origin, and
 31 physical and mental disabilities.

32 (5) Minimum qualifications for instructors at approved law
 33 enforcement training schools.

34 (6) Minimum basic training requirements which law enforcement
 35 officers appointed to probationary terms shall complete before
 36 being eligible for continued or permanent employment.

37 (7) Minimum basic training requirements which law enforcement
 38 officers appointed on other than a permanent basis shall complete
 39 in order to be eligible for continued employment or permanent
 40 appointment.

41 (8) Minimum basic training requirements which law enforcement
 42 officers appointed on a permanent basis shall complete in order



- 1 to be eligible for continued employment.
- 2 (9) Minimum basic training requirements for each person
3 accepted for training at a law enforcement training school or
4 academy that include six (6) hours of training in interacting with:
5 (A) persons with autism, mental illness, addictive disorders,
6 intellectual disabilities, and developmental disabilities;
7 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
8 and
9 (C) persons with Alzheimer's disease or related senile
10 dementia;
- 11 to be provided by persons approved by the secretary of family and
12 social services and the board. The training must include an
13 overview of the crisis intervention teams.
- 14 (10) Minimum standards for a course of study on human and
15 sexual trafficking that must be required for each person accepted
16 for training at a law enforcement training school or academy and
17 for inservice training programs for law enforcement officers. The
18 course must cover the following topics:
- 19 (A) Examination of the human and sexual trafficking laws (IC
20 35-42-3.5).
- 21 (B) Identification of human and sexual trafficking.
- 22 (C) Communicating with traumatized persons.
- 23 (D) Therapeutically appropriate investigative techniques.
- 24 (E) Collaboration with federal law enforcement officials.
- 25 (F) Rights of and protections afforded to victims.
- 26 (G) Providing documentation that satisfies the Declaration of
27 Law Enforcement Officer for Victim of Trafficking in Persons
28 (Form I-914, Supplement B) requirements established under
29 federal law.
- 30 (H) The availability of community resources to assist human
31 and sexual trafficking victims.
- 32 (b) A law enforcement officer appointed after July 5, 1972, and
33 before July 1, 1993, may not enforce the laws or ordinances of the state
34 or any political subdivision unless the officer has, within one (1) year
35 from the date of appointment, successfully completed the minimum
36 basic training requirements established under this chapter by the board.
37 If a person fails to successfully complete the basic training
38 requirements within one (1) year from the date of employment, the
39 officer may not perform any of the duties of a law enforcement officer
40 involving control or direction of members of the public or exercising
41 the power of arrest until the officer has successfully completed the
42 training requirements. This subsection does not apply to any law



1 enforcement officer appointed before July 6, 1972, or after June 30,
2 1993.

3 (c) Military leave or other authorized leave of absence from law
4 enforcement duty during the first year of employment after July 6,
5 1972, shall toll the running of the first year, which shall be calculated
6 by the aggregate of the time before and after the leave, for the purposes
7 of this chapter.

8 (d) Except as provided in subsections (e), (m), (t), and (u), a law
9 enforcement officer appointed to a law enforcement department or
10 agency after June 30, 1993, may not:

- 11 (1) make an arrest;
- 12 (2) conduct a search or a seizure of a person or property; or
- 13 (3) carry a firearm;

14 unless the law enforcement officer successfully completes, at a board
15 certified law enforcement academy or at a law enforcement training
16 center under section 10.5 or 15.2 of this chapter, the basic training
17 requirements established by the board under this chapter.

18 (e) This subsection does not apply to:

- 19 (1) a gaming agent employed as a law enforcement officer by the
20 Indiana gaming commission; or
- 21 (2) an:
 - 22 (A) attorney; or
 - 23 (B) investigator;

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

26 Before a law enforcement officer appointed after June 30, 1993,
27 completes the basic training requirements, the law enforcement officer
28 may exercise the police powers described in subsection (d) if the
29 officer successfully completes the pre-basic course established in
30 subsection (f). Successful completion of the pre-basic course authorizes
31 a law enforcement officer to exercise the police powers described in
32 subsection (d) for one (1) year after the date the law enforcement
33 officer is appointed.

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

- 36 (1) law enforcement officers;
- 37 (2) police reserve officers (as described in IC 36-8-3-20); and
- 38 (3) conservation reserve officers (as described in IC 14-9-8-27);

39 regarding the subjects of arrest, search and seizure, the lawful use of
40 force, interacting with individuals with autism, and the operation of an
41 emergency vehicle. The pre-basic course must be offered on a periodic
42 basis throughout the year at regional sites statewide. The pre-basic



1 course must consist of at least forty (40) hours of course work. The
2 board may prepare the classroom part of the pre-basic course using
3 available technology in conjunction with live instruction. The board
4 shall provide the course material, the instructors, and the facilities at
5 the regional sites throughout the state that are used for the pre-basic
6 course. In addition, the board may certify pre-basic courses that may be
7 conducted by other public or private training entities, including
8 postsecondary educational institutions.

9 (g) Subject to subsection (h), the board shall adopt rules under
10 IC 4-22-2 to establish a mandatory inservice training program for
11 police officers and police reserve officers (as described in
12 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
13 satisfactorily completed basic training and has been appointed to a law
14 enforcement department or agency on either a full-time or part-time
15 basis is not eligible for continued employment unless the officer
16 satisfactorily completes the mandatory inservice training requirements
17 established by rules adopted by the board. Inservice training must
18 include training in interacting with persons with mental illness,
19 addictive disorders, intellectual disabilities, autism, developmental
20 disabilities, and Alzheimer's disease or related senile dementia, to be
21 provided by persons approved by the secretary of family and social
22 services and the board, and training concerning human and sexual
23 trafficking and high risk missing persons (as defined in IC 5-2-17-1).
24 The board may approve courses offered by other public or private
25 training entities, including postsecondary educational institutions, as
26 necessary in order to ensure the availability of an adequate number of
27 inservice training programs. The board may waive an officer's inservice
28 training requirements if the board determines that the officer's reason
29 for lacking the required amount of inservice training hours is due to
30 either an emergency situation or the unavailability of courses.

31 (h) This subsection applies only to a mandatory inservice training
32 program under subsection (g). Notwithstanding subsection (g), the
33 board may, without adopting rules under IC 4-22-2, modify the course
34 work of a training subject matter, modify the number of hours of
35 training required within a particular subject matter, or add a new
36 subject matter, if the board satisfies the following requirements:

37 (1) The board must conduct at least two (2) public meetings on
38 the proposed modification or addition.

39 (2) After approving the modification or addition at a public
40 meeting, the board must post notice of the modification or
41 addition on the Indiana law enforcement academy's Internet web
42 site at least thirty (30) days before the modification or addition



- 1 takes effect.
2 If the board does not satisfy the requirements of this subsection, the
3 modification or addition is void. This subsection does not authorize the
4 board to eliminate any inservice training subject matter required under
5 subsection (g).
6 (i) The board shall also adopt rules establishing a town marshal
7 basic training program, subject to the following:
8 (1) The program must require fewer hours of instruction and class
9 attendance and fewer courses of study than are required for the
10 mandated basic training program.
11 (2) Certain parts of the course materials may be studied by a
12 candidate at the candidate's home in order to fulfill requirements
13 of the program.
14 (3) Law enforcement officers successfully completing the
15 requirements of the program are eligible for appointment only in
16 towns employing the town marshal system (IC 36-5-7) and having
17 not more than one (1) marshal and two (2) deputies.
18 (4) The limitation imposed by subdivision (3) does not apply to an
19 officer who has successfully completed the mandated basic
20 training program.
21 (5) The time limitations imposed by subsections (b) and (c) for
22 completing the training are also applicable to the town marshal
23 basic training program.
24 (6) The program must require training in interacting with
25 individuals with autism.
26 (j) The board shall adopt rules under IC 4-22-2 to establish an
27 executive training program. The executive training program must
28 include training in the following areas:
29 (1) Liability.
30 (2) Media relations.
31 (3) Accounting and administration.
32 (4) Discipline.
33 (5) Department policy making.
34 (6) Lawful use of force.
35 (7) Department programs.
36 (8) Emergency vehicle operation.
37 (9) Cultural diversity.
38 (k) A police chief shall apply for admission to the executive training
39 program within two (2) months of the date the police chief initially
40 takes office. A police chief must successfully complete the executive
41 training program within six (6) months of the date the police chief
42 initially takes office. However, if space in the executive training



1 program is not available at a time that will allow completion of the
 2 executive training program within six (6) months of the date the police
 3 chief initially takes office, the police chief must successfully complete
 4 the next available executive training program that is offered after the
 5 police chief initially takes office.

6 (l) A police chief who fails to comply with subsection (k) may not
 7 continue to serve as the police chief until completion of the executive
 8 training program. For the purposes of this subsection and subsection
 9 (k), "police chief" refers to:

- 10 (1) the police chief of any city;
- 11 (2) the police chief of any town having a metropolitan police
 12 department; and
- 13 (3) the chief of a consolidated law enforcement department
 14 established under IC 36-3-1-5.1.

15 A town marshal is not considered to be a police chief for these
 16 purposes, but a town marshal may enroll in the executive training
 17 program.

18 (m) A fire investigator in the division of fire and building safety
 19 appointed after December 31, 1993, is required to comply with the
 20 basic training standards established under this chapter.

21 (n) The board shall adopt rules under IC 4-22-2 to establish a
 22 program to certify handgun safety courses, including courses offered
 23 in the private sector, that meet standards approved by the board for
 24 training probation officers in handgun safety as required by
 25 ~~IC 11-13-1-3.5(3)~~. **IC 11-13-1-3.5(2)**.

26 (o) The board shall adopt rules under IC 4-22-2 to establish a
 27 refresher course for an officer who:

- 28 (1) is hired by an Indiana law enforcement department or agency
 29 as a law enforcement officer;
- 30 (2) has not been employed as a law enforcement officer for:
 31 (A) at least two (2) years; and
 32 (B) less than six (6) years before the officer is hired under
 33 subdivision (1); and
- 34 (3) completed at any time a basic training course certified or
 35 recognized by the board before the officer is hired under
 36 subdivision (1).

37 (p) An officer to whom subsection (o) applies must successfully
 38 complete the refresher course described in subsection (o) not later than
 39 six (6) months after the officer's date of hire, or the officer loses the
 40 officer's powers of:

- 41 (1) arrest;
- 42 (2) search; and



- 1 (3) seizure.
- 2 (q) The board shall adopt rules under IC 4-22-2 to establish a
3 refresher course for an officer who:
- 4 (1) is appointed by an Indiana law enforcement department or
5 agency as a reserve police officer; and
- 6 (2) has not worked as a reserve police officer for at least two (2)
7 years after:
- 8 (A) completing the pre-basic course; or
- 9 (B) leaving the individual's last appointment as a reserve
10 police officer.
- 11 An officer to whom this subsection applies must successfully complete
12 the refresher course established by the board in order to work as a
13 reserve police officer.
- 14 (r) This subsection applies to an individual who, at the time the
15 individual completes a board certified or recognized basic training
16 course, has not been appointed as a law enforcement officer by an
17 Indiana law enforcement department or agency. If the individual is not
18 employed as a law enforcement officer for at least two (2) years after
19 completing the basic training course, the individual must successfully
20 retake and complete the basic training course as set forth in subsection
21 (d).
- 22 (s) The board shall adopt rules under IC 4-22-2 to establish a
23 refresher course for an individual who:
- 24 (1) is appointed as a board certified instructor of law enforcement
25 training; and
- 26 (2) has not provided law enforcement training instruction for
27 more than one (1) year after the date the individual's instructor
28 certification expired.
- 29 An individual to whom this subsection applies must successfully
30 complete the refresher course established by the board in order to
31 renew the individual's instructor certification.
- 32 (t) This subsection applies only to a gaming agent employed as a
33 law enforcement officer by the Indiana gaming commission. A gaming
34 agent appointed after June 30, 2005, may exercise the police powers
35 described in subsection (d) if:
- 36 (1) the agent successfully completes the pre-basic course
37 established in subsection (f); and
- 38 (2) the agent successfully completes any other training courses
39 established by the Indiana gaming commission in conjunction
40 with the board.
- 41 (u) This subsection applies only to a securities enforcement officer
42 designated as a law enforcement officer by the securities



1 commissioner. A securities enforcement officer may exercise the police
2 powers described in subsection (d) if:

- 3 (1) the securities enforcement officer successfully completes the
4 pre-basic course established in subsection (f); and
5 (2) the securities enforcement officer successfully completes any
6 other training courses established by the securities commissioner
7 in conjunction with the board.

8 (v) As used in this section, "upper level policymaking position"
9 refers to the following:

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

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

- 16 (A) the position held by the police chief or town marshal; and
17 (B) each position held by the members of the police
18 department or town marshal system in the next rank and pay
19 grade immediately below the police chief or town marshal.

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

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

27 (w) This subsection applies only to a correctional police officer
28 employed by the department of correction. A correctional police officer
29 may exercise the police powers described in subsection (d) if:

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

35 SECTION 3. IC 11-9-2-4 IS REPEALED [EFFECTIVE JULY 1,
36 2021]. ~~Sec. 4. The governor may issue a pardon that conditions the~~
37 ~~removal of all disabilities applicable to holding a handgun permit or~~
38 ~~other license issued under IC 35-47-2 upon a determination by the~~
39 ~~superintendent of state police that circumstances have changed to such~~
40 ~~an extent since the pardoned conviction was entered that the applicant~~
41 ~~for the permit or license is likely to handle handguns in compliance~~
42 ~~with the law.~~



1 SECTION 4. IC 11-13-1-3.5, AS AMENDED BY P.L.4-2017,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2021]: Sec. 3.5. A probation officer may not carry a handgun
 4 as described in ~~IC 35-47-2-1~~ **in any vehicle or on or about the**
 5 **probation officer's body** while acting in the scope of employment as
 6 a probation officer unless all of the following conditions are met:

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

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

11 ~~(3)~~ **(2)** The probation officer successfully completes a handgun
 12 safety course certified by the law enforcement training board
 13 under IC 5-2-1-9(n).

14 SECTION 5. IC 14-16-1-23, AS AMENDED BY P.L.35-2011,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 23. (a) An individual shall not operate a vehicle
 17 under any of the following conditions:

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

21 (2) While:

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

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

25 (3) During the hours from thirty (30) minutes after sunset to thirty
 26 (30) minutes before sunrise without displaying a lighted headlight
 27 and a lighted taillight.

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

31 (5) On the frozen surface of public waters within:

32 (A) one hundred (100) feet of an individual not in or upon a
 33 vehicle; or

34 (B) one hundred (100) feet of a fishing shanty or shelter;
 35 except at a speed of not more than five (5) miles per hour.

36 (6) Unless the vehicle is equipped with a muffler in good working
 37 order and in constant operation to prevent excessive or unusual
 38 noise and annoying smoke.

39 (7) Within one hundred (100) feet of a dwelling between midnight
 40 and 6:00 a.m., except on the individual's own property or property
 41 under the individual's control or as an invited guest.

42 (8) On any property without the consent of the landowner or



1 tenant.
 2 (9) While transporting on or in the vehicle a firearm, unless the
 3 firearm is:
 4 (A) unloaded; and
 5 (B) securely encased or equipped with and made inoperative
 6 by a manufactured keylocked trigger housing mechanism.
 7 (10) On or across a cemetery or burial ground.
 8 (11) Within one hundred (100) feet of a slide, ski, or skating area,
 9 except for the purpose of servicing the area.
 10 (12) On a railroad track or railroad right-of-way, except railroad
 11 personnel in the performance of duties.
 12 (13) In or upon a flowing river, stream, or creek, except for the
 13 purpose of crossing by the shortest possible route, unless the
 14 river, stream, or creek is of sufficient water depth to permit
 15 movement by flotation of the vehicle at all times.
 16 (14) An individual shall not operate a vehicle while a bow is
 17 present in or on the vehicle if the nock of an arrow is in position
 18 on the string of the bow.
 19 (b) Subsection (a)(9) does not apply to a person who is carrying a
 20 firearm:
 21 (1) if
 22 ~~(A) the firearm is a handgun; and~~
 23 ~~(B) the person has been issued an unlimited handgun license~~
 24 ~~to carry a handgun under IC 35-47-2;~~
 25 ~~(2) if:~~
 26 ~~(A) the firearm is a handgun; and~~
 27 ~~(B) the person is not required to possess a license to carry a~~
 28 ~~handgun under IC 35-47-2-2; or~~
 29 ~~(3) (2) if the person carrying the firearm is operating the vehicle~~
 30 ~~on property that the person:~~
 31 ~~(A) owns;~~
 32 ~~(B) has a contractual interest in;~~
 33 ~~(C) otherwise legally possesses; or~~
 34 ~~(D) has permission from a person described in clauses (A)~~
 35 ~~through (C) to possess a firearm on.~~
 36 SECTION 6. IC 21-17-5-6, AS AMENDED BY P.L.107-2019,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]: Sec. 6. Whenever a police officer retires after at least
 39 twenty (20) years of service, the police officer may retain the officer's
 40 service weapon. The officer is entitled to receive, in recognition of the
 41 service to the educational institution and the public, a badge that
 42 indicates that the officer is retired. Upon retirement, the state police



1 department shall issue to the police officer an identification card that:

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

5 A retired police officer described in this section is entitled to a lifetime
6 **reciprocity** license ~~to carry a handgun~~ as described under
7 IC 35-47-2-3(f).

8 SECTION 7. IC 21-39-4-7, AS AMENDED BY P.L.107-2019,
9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2021]: Sec. 7. Whenever a police officer retires after at least
11 twenty (20) years of service, the police officer may retain the officer's
12 service weapon. The officer is entitled to receive, in recognition of the
13 service to the state educational institution and the public, a badge that
14 indicates that the officer is retired. Upon retirement, the state police
15 department shall issue to the police officer an identification card that:

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

19 A police officer described in this section is entitled to a lifetime
20 **reciprocity** license ~~to carry a handgun~~ as described under
21 IC 35-47-2-3(f).

22 SECTION 8. IC 31-30-1-4, AS AMENDED BY P.L.28-2016,
23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2021]: Sec. 4. (a) The juvenile court does not have jurisdiction
25 over an individual for an alleged violation of:

- 26 (1) IC 35-41-5-1(a) (attempted murder);
- 27 (2) IC 35-42-1-1 (murder);
- 28 (3) IC 35-42-3-2 (kidnapping);
- 29 (4) IC 35-42-4-1 (rape);
- 30 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
- 31 (6) IC 35-42-5-1 (robbery) if:
 - 32 (A) the robbery was committed while armed with a deadly
33 weapon; or
 - 34 (B) the robbery results in bodily injury or serious bodily
35 injury;
- 36 (7) IC 35-42-5-2 (carjacking) (before its repeal);
- 37 ~~(8) IC 35-47-2-1 (carrying a handgun without a license); if~~
38 ~~charged as a felony;~~
- 39 ~~(9) (8) IC 35-47-10 (children and firearms), if charged as a felony;~~
40 or
- 41 ~~(10) (9) any offense that may be joined under IC 35-34-1-9(a)(2)~~
42 with any crime listed in this subsection;



1 if the individual was at least sixteen (16) years of age but less than
2 eighteen (18) years of age at the time of the alleged violation.

3 (b) Once an individual described in subsection (a) has been charged
4 with any offense listed in subsection (a), the court having adult
5 criminal jurisdiction shall retain jurisdiction over the case if the
6 individual pleads guilty to or is convicted of any offense listed in
7 subsection (a)(1) through ~~(a)(9)~~: **(a)(8)**.

8 (c) If:

9 (1) an individual described in subsection (a) is charged with one

10 (1) or more offenses listed in subsection (a);

11 (2) all the charges under subsection (a)(1) through ~~(a)(9)~~ **(a)(8)**
12 resulted in an acquittal or were dismissed; and

13 (3) the individual pleads guilty to or is convicted of any offense
14 other than an offense listed in subsection (a)(1) through ~~(a)(9)~~;

15 **(a)(8)**;

16 the court having adult criminal jurisdiction may withhold judgment and
17 transfer jurisdiction to the juvenile court for adjudication and
18 disposition. In determining whether to transfer jurisdiction to the
19 juvenile court for adjudication and disposition, the court having adult
20 criminal jurisdiction shall consider whether there are appropriate
21 services available in the juvenile justice system, whether the child is
22 amenable to rehabilitation under the juvenile justice system, and
23 whether it is in the best interests of the safety and welfare of the
24 community that the child be transferred to juvenile court. All orders
25 concerning release conditions remain in effect until a juvenile court
26 detention hearing, which must be held not later than forty-eight (48)
27 hours, excluding Saturdays, Sundays, and legal holidays, after the order
28 of transfer of jurisdiction.

29 SECTION 9. IC 35-31.5-2-78, AS AMENDED BY P.L.40-2019,
30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2021]: Sec. 78. "Crime of domestic violence", for purposes of
32 IC 5-2-6.1, IC 35-38-9, **IC 35-47-2-1.8**, and IC 35-47-4-7, means an
33 offense or the attempt to commit an offense that:

34 (1) has as an element the:

35 (A) use of physical force; or

36 (B) threatened use of a deadly weapon; and

37 (2) is committed against a family or household member, as
38 defined in section 128 of this chapter.

39 SECTION 10. 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, 2021]: 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 11. IC 35-47-1-2 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. "Alcohol abuser"
 9 means an individual who has had two (2) or more alcohol related
 10 offenses, any one (1) of which resulted in conviction by a court or
 11 treatment in an alcohol abuse facility within three (3) years prior to:

- 12 (1) the date of the application; or
- 13 (2) **the carrying of a handgun.**

14 SECTION 12. IC 35-47-1-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. "Drug abuser" means
 16 an individual who has had two (2) or more violations of IC 35-48-1,
 17 IC 35-48-2, IC 35-48-3, or IC 35-48-4, any one (1) of which resulted
 18 in conviction by a court or treatment in a drug abuse facility within five
 19 (5) years prior to:

- 20 (1) the date of application; or
- 21 (2) **the carrying of a handgun.**

22 SECTION 13. IC 35-47-2-1, AS AMENDED BY P.L.221-2017,
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2021]: Sec. 1. (a) ~~Except as provided in subsections (b) and~~
 25 ~~(c) and sections 2 through 2.1 of this chapter, a person shall not carry~~
 26 ~~a handgun in any vehicle or on or about the person's body without~~
 27 ~~being licensed under this chapter to carry a handgun.~~

28 (b) ~~Except as provided in subsection (c); a person may carry a~~
 29 ~~handgun without being licensed under this chapter to carry a handgun~~
 30 ~~if:~~

- 31 (1) ~~the person carries the handgun on or about the person's body~~
 32 ~~in or on property that is owned, leased, rented, or otherwise~~
 33 ~~legally controlled by the person;~~
- 34 (2) ~~the person carries the handgun on or about the person's body~~
 35 ~~while lawfully present in or on property that is owned, leased,~~
 36 ~~rented, or otherwise legally controlled by another person, if the~~
 37 ~~person:~~
 - 38 (A) ~~has the consent of the owner, renter, lessor, or person who~~
 39 ~~legally controls the property to have the handgun on the~~
 40 ~~premises;~~
 - 41 (B) ~~is attending a firearms related event on the property,~~
 42 ~~including a gun show, firearms expo, gun owner's club or~~



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



1 transport a firearm or ammunition if the person is prohibited from
 2 possessing or transporting the firearm or ammunition by state or
 3 federal law.

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

7 (1) if the offense is committed:

8 (A) on or in school property;

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

10 (C) on a school bus; or

11 (2) if the person:

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

13 (i) this section; or

14 (ii) section 22 of this chapter; or

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

17 SECTION 14. IC 35-47-2-1.5 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. (a) Unless the person's right
 20 to possess a firearm has been restored under IC 35-47-4-7, a person
 21 who has been convicted of domestic battery under IC 35-42-2-1.3
 22 may not possess or carry a handgun.**

23 (b) A person who knowingly or intentionally violates this section
 24 commits a Class A misdemeanor. However, the offense is a Level
 25 5 felony:

26 (1) if the offense is committed:

27 (A) on or in school property;

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

29 (C) on a school bus; or

30 (2) if the person:

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

32 or

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

35 SECTION 15. IC 35-47-2-1.8 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2021]: **Sec. 1.8. (a) The following terms are
 38 defined for this section:**

39 (1) "Adjudicated a mental defective" means a determination
 40 by a court that a person:

41 (A) presents a danger to the person or to others; or

42 (B) lacks the mental capacity necessary to contract or



- 1 manage the person's affairs.
 2 The term includes a finding of insanity by a court in a
 3 criminal proceeding.
 4 (2) "Alien" means any person who is not lawfully in the
 5 United States. The term includes:
 6 (A) any person who has:
 7 (i) entered the United States without inspection and
 8 authorization by an immigration officer; and
 9 (ii) not been paroled into the United States under the
 10 federal Immigration and Nationality Act;
 11 (B) a nonimmigrant:
 12 (i) whose authorized period of stay has expired; or
 13 (ii) who has violated the terms of the nonimmigrant
 14 category under which the person was admitted;
 15 (C) a person paroled under the federal Immigration and
 16 Nationality Act whose period of parole has:
 17 (i) expired; or
 18 (ii) been terminated; and
 19 (D) a person subject to an order:
 20 (i) of deportation, exclusion, or removal; or
 21 (ii) to depart the United States voluntarily;
 22 regardless of whether or not the person has left the United
 23 States.
 24 (3) "Committed to a mental institution" means the formal
 25 commitment of a person to a mental institution by a court.
 26 The term includes:
 27 (A) a commitment for:
 28 (i) a cognitive or mental defect; or
 29 (ii) a mental illness; and
 30 (B) involuntary commitments.
 31 The term does not include voluntary commitments or a
 32 commitment made for observational purposes.
 33 (4) "Crime of domestic violence" has the meaning set forth in
 34 IC 35-31.5-2-78.
 35 (5) "Dangerous" has the meaning set forth in IC 35-47-14-1.
 36 (6) "Fugitive from justice" means any person who:
 37 (A) flees or leaves from any state to avoid prosecution for
 38 a felony or misdemeanor offense; or
 39 (B) flees or leaves any state to avoid testifying in a criminal
 40 proceeding.
 41 (7) "Indictment" means any formal accusation of a crime
 42 made by a prosecuting attorney in any court for a crime



- 1 punishable by a term of imprisonment exceeding one (1) year.
 2 **(b) Except as provided in subsection (c), the following persons**
 3 **may not knowingly or intentionally carry a handgun:**
 4 **(1) A person convicted of a federal or state offense punishable**
 5 **by a term of imprisonment exceeding one (1) year.**
 6 **(2) A fugitive from justice.**
 7 **(3) An alien.**
 8 **(4) A person convicted of:**
 9 **(A) a crime of domestic violence (IC 35-31.5-2-78);**
 10 **(B) domestic battery (IC 35-42-2-1.3); or**
 11 **(C) criminal stalking (IC 35-45-10-5).**
 12 **(5) A person restrained by an order of protection issued under**
 13 **IC 34-26-5.**
 14 **(6) A person under indictment.**
 15 **(7) A person who has been:**
 16 **(A) adjudicated dangerous under IC 35-47-14-6;**
 17 **(B) adjudicated a mental defective; or**
 18 **(C) committed to a mental institution.**
 19 **(8) A person dishonorably discharged from:**
 20 **(A) military service; or**
 21 **(B) the National Guard.**
 22 **(9) A person who renounces the person's United States**
 23 **citizenship in the manner described in 8 U.S.C. 1481.**
 24 **(10) A person who:**
 25 **(A) is less than twenty-one (21) years of age; and**
 26 **(B) has an adjudication as a delinquent child for an act**
 27 **described by IC 35-47-4-5.**
 28 **(c) Subsection (b) does not apply to a person who has**
 29 **successfully petitioned for the return of a firearm under**
 30 **IC 35-47-14-8.**
 31 **(d) A person who violates this section commits unlawful**
 32 **carrying of a handgun, a Class A misdemeanor. However, the**
 33 **offense is a Level 4 felony if the person:**
 34 **(1) is less than twenty-one (21) years of age; and**
 35 **(2) has an adjudication as a delinquent child for an act**
 36 **described by IC 35-47-4-5.**
 37 SECTION 16. IC 35-47-2-2 IS REPEALED [EFFECTIVE JULY 1,
 38 2021]. Sec. 2: Section † of this chapter does not apply to:
 39 † marshals;
 40 ‡ sheriffs;
 41 (3) the commissioner of the department of correction or persons
 42 authorized by the commissioner in writing to carry firearms;



- 1 (4) judicial officers;
- 2 (5) law enforcement officers;
- 3 (6) members of the armed forces of the United States or of the
- 4 national guard or organized reserves while they are on duty;
- 5 (7) regularly enrolled members of any organization duly
- 6 authorized to purchase or receive such weapons from the United
- 7 States or from this state who are at or are going to or from their
- 8 place of assembly or target practice;
- 9 (8) employees of the United States duly authorized to carry
- 10 handguns;
- 11 (9) employees of express companies when engaged in company
- 12 business; or
- 13 (10) any person engaged in the business of manufacturing;
- 14 repairing; or dealing in firearms or the agent or representative of
- 15 any such person having in the person's possession; using; or
- 16 carrying a handgun in the usual or ordinary course of that
- 17 business.

18 SECTION 17. IC 35-47-2-2.1 IS REPEALED [EFFECTIVE JULY
 19 1, 2021]. Sec. 2.1: (a) As used in this section, "protection order" means
 20 a civil protection order issued under IC 34-26-5.

21 (b) A person may carry a handgun without a license if the person:

- 22 (1) has applied for a license to carry a handgun as described in
- 23 IC 35-47-2-3;
- 24 (2) is protected by a protection order;
- 25 (3) is at least eighteen (18) years of age; and
- 26 (4) is not otherwise barred by state or federal law from possessing
- 27 a handgun;

28 during the period described in subsection (c):

29 (c) A person described in subsection (b) may carry a handgun
 30 without a license for a period ending sixty (60) days after the date the
 31 protection order is issued.

32 SECTION 18. IC 35-47-2-3, AS AMENDED BY P.L.107-2019,
 33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2021]: Sec. 3. (a) A person desiring a license to carry **who is**
 35 **not otherwise prohibited from carrying or possessing** a handgun
 36 **shall apply: under state or federal law is not required to obtain or**
 37 **possess a license or permit from the state to carry a handgun in**
 38 **Indiana. A resident of this state who wishes to carry a firearm in**
 39 **another state under a reciprocity agreement entered into by this**
 40 **state and another state may obtain an Indiana reciprocity license**
 41 **under this chapter by applying:**

- 42 (1) to the chief of police or corresponding law enforcement officer



- 1 of the municipality in which the applicant resides;
 2 (2) if that municipality has no such officer, or if the applicant does
 3 not reside in a municipality, to the sheriff of the county in which
 4 the applicant resides after the applicant has obtained an
 5 application form prescribed by the superintendent; or
 6 (3) if the applicant is a resident of another state and has a regular
 7 place of business or employment in Indiana, to the sheriff of the
 8 county in which the applicant has a regular place of business or
 9 employment.

10 The superintendent and local law enforcement agencies shall allow an
 11 applicant desiring to obtain or renew a **reciprocity** license ~~to carry a~~
 12 ~~handgun~~ to submit an application electronically under this chapter if
 13 funds are available to establish and maintain an electronic application
 14 system.

15 (b) This subsection applies before July 1, 2020. The law
 16 enforcement agency which accepts an application for a handgun license
 17 shall collect the following application fees:

- 18 (1) From a person applying for a four (4) year handgun license, a
 19 ten dollar (\$10) application fee, five dollars (\$5) of which shall be
 20 refunded if the license is not issued.
 21 (2) From a person applying for a lifetime handgun license who
 22 does not currently possess a valid Indiana handgun license, a fifty
 23 dollar (\$50) application fee, thirty dollars (\$30) of which shall be
 24 refunded if the license is not issued.
 25 (3) From a person applying for a lifetime handgun license who
 26 currently possesses a valid Indiana handgun license, a forty dollar
 27 (\$40) application fee, thirty dollars (\$30) of which shall be
 28 refunded if the license is not issued.

29 Except as provided in subsection (i), the fee shall be deposited into the
 30 law enforcement agency's firearms training fund or other appropriate
 31 training activities fund and used by the agency to train law enforcement
 32 officers in the proper use of firearms or in other law enforcement
 33 duties, or to purchase firearms, firearm related equipment, or body
 34 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
 35 employed by the law enforcement agency. The state board of accounts
 36 shall establish rules for the proper accounting and expenditure of funds
 37 collected under this subsection.

38 (c) This subsection applies after June 30, 2020. The law
 39 enforcement agency which accepts an application for a ~~handgun~~
 40 **reciprocity** license shall not collect a fee from a person applying for a
 41 five (5) year ~~handgun~~ **reciprocity** license and shall collect the
 42 following application fees:



1 (1) From a person applying for a lifetime **handgun reciprocity**
 2 license who does not currently possess a valid Indiana **handgun**
 3 **reciprocity** license, a fifty dollar (\$50) application fee, thirty
 4 dollars (\$30) of which shall be refunded if the **reciprocity** license
 5 is not issued.

6 (2) From a person applying for a lifetime **handgun reciprocity**
 7 license who currently possesses a valid Indiana **handgun**
 8 **reciprocity** license, a forty dollar (\$40) application fee, thirty
 9 dollars (\$30) of which shall be refunded if the **reciprocity** license
 10 is not issued.

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

20 (d) The officer to whom the application is made shall ascertain the
 21 applicant's name, full address, length of residence in the community,
 22 whether the applicant's residence is located within the limits of any city
 23 or town, the applicant's occupation, place of business or employment,
 24 criminal record, if any, and convictions (minor traffic offenses
 25 excepted), age, race, sex, nationality, date of birth, citizenship, height,
 26 weight, build, color of hair, color of eyes, scars and marks, whether the
 27 applicant has previously held an Indiana license to carry a handgun **or**
 28 **an Indiana reciprocity license** and, if so, the serial number of the
 29 license and year issued, whether the applicant's license has ever been
 30 suspended or revoked, and if so, the year and reason for the suspension
 31 or revocation, and the applicant's reason for desiring a license. If the
 32 applicant is not a United States citizen, the officer to whom the
 33 application is made shall ascertain the applicant's country of
 34 citizenship, place of birth, and any alien or admission number issued
 35 by the United States Citizenship and Immigration Services or United
 36 States Customs and Border Protection or any successor agency as
 37 applicable. The officer to whom the application is made shall conduct
 38 an investigation into the applicant's official records and verify thereby
 39 the applicant's character and reputation, and shall in addition verify for
 40 accuracy the information contained in the application, and shall
 41 forward this information together with the officer's recommendation for
 42 approval or disapproval and one (1) set of legible and classifiable



1 fingerprints of the applicant to the superintendent. An investigation
 2 conducted under this section must include the consulting of available
 3 local, state, and federal criminal history data banks, including the
 4 National Instant Criminal Background Check System (NICS), to
 5 determine whether possession of a firearm by an applicant would be a
 6 violation of state or federal law.

7 (e) The superintendent may make whatever further investigation the
 8 superintendent deems necessary. Whenever disapproval is
 9 recommended, the officer to whom the application is made shall
 10 provide the superintendent and the applicant with the officer's complete
 11 and specific reasons, in writing, for the recommendation of
 12 disapproval.

13 (f) If it appears to the superintendent that the applicant:

14 (1) has a proper reason for ~~carrying a handgun~~; **receiving a**
 15 **reciprocity license**;

16 (2) is of good character and reputation;

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

18 (4) is:

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

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

22 the superintendent shall issue to the applicant a ~~qualified or an~~
 23 ~~unlimited reciprocity license. to carry any handgun lawfully possessed~~
 24 ~~by the applicant.~~ The original **reciprocity** license shall be delivered to
 25 the licensee. A copy shall be delivered to the officer to whom the
 26 application for **reciprocity** license was made. A copy shall be retained
 27 by the superintendent for at least five (5) years in the case of a five (5)
 28 year **reciprocity** license. The superintendent may adopt guidelines to
 29 establish a records retention policy for a lifetime **reciprocity** license.
 30 A five (5) year **reciprocity** license shall be valid for a period of five (5)
 31 years from the date of issue. A lifetime **reciprocity** license is valid for
 32 the life of the individual receiving the license. The **reciprocity** license
 33 of police officers, sheriffs or their deputies, and law enforcement
 34 officers of the United States government who have twenty (20) or more
 35 years of service shall be valid for the life of these individuals.
 36 However, a lifetime **reciprocity** license is automatically revoked if the
 37 license holder does not remain a proper person.

38 (g) At the time a **reciprocity** license is issued and delivered to a
 39 licensee under subsection (f), the superintendent shall include with the
 40 **reciprocity** license information concerning ~~handgun~~ **firearms** safety
 41 rules that:

42 (1) neither opposes nor supports an individual's right to bear



1 arms; and

2 (2) is:

3 (A) recommended by a nonprofit educational organization that
4 is dedicated to providing education on safe handling and use
5 of firearms;

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

7 (C) approved by the superintendent.

8 The superintendent may not deny a **reciprocity** license under this
9 section because the information required under this subsection is
10 unavailable at the time the superintendent would otherwise issue a
11 license. The state police department may accept private donations or
12 grants to defray the cost of printing and mailing the information
13 required under this subsection.

14 (h) A **reciprocity** license to carry a handgun shall not be issued to
15 any person who:

16 (1) has been convicted of a felony;

17 (2) has had a license to carry a handgun **or a reciprocity license**
18 suspended, unless the person's license has been reinstated;

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

20 (4) is under ~~twenty-three (23)~~ **twenty-one (21)** years of age if the
21 person has been adjudicated a delinquent child for an act that
22 would be a felony if committed by an adult;

23 (5) has been arrested for a Class A or Class B felony for an
24 offense committed before July 1, 2014, for a Level 1, Level 2,
25 Level 3, or Level 4 felony for an offense committed after June 30,
26 2014, or any other felony that was committed while armed with
27 a deadly weapon or that involved the use of violence, if a court
28 has found probable cause to believe that the person committed the
29 offense charged; ~~or~~

30 (6) is prohibited by federal law from possessing or receiving
31 firearms under 18 U.S.C. 922(g); **or**

32 **(7) is described in IC 35-47-2-1.8, unless exempted by**
33 **IC 35-47-2-1.8.**

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

39 (i) If the law enforcement agency that charges a fee under
40 subsection (b) or (c) is a city or town law enforcement agency, the fee
41 shall be deposited in the law enforcement continuing education fund
42 established under IC 5-2-8-2.



1 (j) If a person who holds a valid **reciprocity** license ~~to carry a~~
2 ~~handgun~~ issued under this chapter:

- 3 (1) changes the person's name;
4 (2) changes the person's address; or
5 (3) experiences a change, including an arrest or a conviction, that
6 may affect the person's status as a proper person (as defined in
7 IC 35-47-1-7) or otherwise disqualify the person from holding a
8 **reciprocity** license;

9 the person shall, not later than thirty (30) days after the date of a
10 change described under subdivision (3), and not later than sixty (60)
11 days after the date of the change described under subdivision (1) or (2),
12 notify the superintendent, in writing, of the event described under
13 subdivision (3) or, in the case of a change under subdivision (1) or (2),
14 the person's new name or new address.

15 (k) The state police shall indicate on the form for a **reciprocity**
16 license ~~to carry a handgun~~ the notification requirements of subsection
17 (j).

- 18 (l) The state police department shall adopt rules under IC 4-22-2 to:
19 (1) implement an electronic application system under subsection
20 (a); and
21 (2) expedite the processing of an application made by a person
22 described in section 2.1(b) of this chapter.

23 Rules adopted under this section must require the superintendent to
24 keep on file one (1) set of classifiable and legible fingerprints from
25 every person who has received a **reciprocity** license ~~to carry a handgun~~
26 so that a person who applies to renew a **reciprocity** license will not be
27 required to submit an additional set of fingerprints.

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

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

- 32 (A) obtain; or
33 (B) renew;

34 a **reciprocity** license. ~~to carry a handgun~~.

- 35 (2) Information obtained by a federal, state, or local government
36 entity in the course of an investigation concerning a person who
37 applies to:

- 38 (A) obtain; or
39 (B) renew;

40 a **reciprocity** license ~~to carry a handgun~~ issued under this
41 chapter.

- 42 (3) The name, address, and any other information that may be



- 1 used to identify a person who holds a **reciprocity** license ~~to carry~~
 2 ~~a handgun~~ issued under this chapter.
- 3 (n) Notwithstanding subsection (m):
- 4 (1) any information concerning an applicant for or a person who
 5 holds a **reciprocity** license ~~to carry a handgun~~ issued under this
 6 chapter may be released to a federal, state, or local government
 7 entity:
- 8 (A) for law enforcement purposes; or
 9 (B) to determine the validity of a **reciprocity** license; ~~to carry~~
 10 ~~a handgun~~; and
- 11 (2) general information concerning the issuance of **reciprocity**
 12 licenses ~~to carry handguns~~ in Indiana may be released to a person
 13 conducting journalistic or academic research, but only if all
 14 personal information that could disclose the identity of any person
 15 who holds a **reciprocity** license ~~to carry a handgun~~ issued under
 16 this chapter has been removed from the general information.
- 17 (o) A person who knowingly or intentionally violates this section
 18 commits a Class B misdemeanor.
- 19 SECTION 19. IC 35-47-2-4, AS AMENDED BY P.L.107-2019,
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2021]: Sec. 4. (a) **Reciprocity** licenses ~~to carry handguns~~
 22 ~~shall be either qualified or unlimited, and issued under section 3 of~~
 23 ~~this chapter~~ are valid for:
- 24 (1) five (5) years from the date of issue in the case of a five (5)
 25 year **reciprocity** license; or
- 26 (2) the life of the individual receiving the **reciprocity** license in
 27 the case of a lifetime **reciprocity** license.
- 28 ~~A qualified license shall be issued for hunting and target practice. An~~
 29 ~~individual may separately apply for and simultaneously hold both a five~~
 30 ~~(5) year license and a lifetime license. The superintendent may adopt~~
 31 ~~rules imposing limitations on the use and carrying of handguns under~~
 32 ~~a license when handguns are carried by a licensee as a condition of~~
 33 ~~employment. Unlimited licenses shall be issued for the purpose of the~~
 34 ~~protection of life and property.~~
- 35 (b) ~~This subsection applies before July 1, 2020. In addition to the~~
 36 ~~application fee, the fee for:~~
- 37 (†) a qualified license shall be:
- 38 (A) five dollars (\$5) for a five (5) year qualified license;
 39 (B) ~~twenty-five dollars (\$25)~~ for a lifetime qualified license
 40 from a person who does not currently possess a valid Indiana
 41 handgun license; or
 42 (C) twenty dollars (\$20) for a lifetime qualified license from



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

11 The superintendent shall charge a twenty dollar (\$20) fee for the
 12 issuance of a duplicate license to replace a lost or damaged license.
 13 These fees shall be deposited in accordance with subsection (g):

14 (c) This subsection applies after June 30, 2020. In addition to the
 15 application fee, the fee for:

- 16 (1) a qualified license is:
 17 (A) zero dollars (\$0) for a five (5) year qualified license;
 18 (B) twenty-five dollars (\$25) for a lifetime qualified license
 19 from a person who does not currently possess a valid Indiana
 20 handgun license; and
 21 (C) twenty dollars (\$20) for a lifetime qualified license from
 22 a person who currently possesses a valid Indiana handgun
 23 license; and

- 24 (2) an unlimited license is:
 25 (A) zero dollars (\$0) for a five (5) year unlimited license;
 26 (B) seventy-five dollars (\$75) for a lifetime unlimited license
 27 from a person who does not currently possess a valid Indiana
 28 handgun license; and
 29 (C) sixty dollars (\$60) for a lifetime unlimited license from a
 30 person who currently possesses a valid Indiana handgun
 31 license.

32 (b) The superintendent shall charge a twenty dollar (\$20) fee for the
 33 issuance of a duplicate **reciprocity** license to replace a lost or damaged
 34 **reciprocity** license. These fees shall be deposited in accordance with
 35 subsection (g): (d).

36 (d) Licensed dealers are exempt from the payment of fees specified
 37 in subsections (b) and (c) for a qualified license or an unlimited
 38 license.

39 (e) (c) The following officers of this state or the United States who
 40 have been honorably retired by a lawfully created pension board or its
 41 equivalent after at least twenty (20) years of service or because of a
 42 disability are exempt from the payment of fees the fee specified in



1 subsections **subsection (b): and (c)**
 2 (1) Police officers.
 3 (2) Sheriffs or their deputies.
 4 (3) Law enforcement officers.
 5 (4) Correctional officers.
 6 (f) The following officers described in section 3(f) of this chapter
 7 who have at least twenty (20) years of service are exempt from the
 8 payment of fees for a lifetime qualified license or a lifetime unlimited
 9 license specified in subsections (b) and (c):
 10 (1) Police officers:
 11 (2) Sheriffs or their deputies:
 12 (3) Law enforcement officers of the United States government.
 13 (g) (d) Fees collected under this section shall be deposited in the
 14 state general fund.
 15 (h) (e) The superintendent may not issue a lifetime ~~qualified license~~
 16 or a lifetime unlimited **reciprocity** license to a person who is a resident
 17 of another state. The superintendent may issue a five (5) year ~~qualified~~
 18 **reciprocity** license or a five (5) year ~~unlimited license~~ to a person who
 19 is a resident of another state and who has a regular place of business or
 20 employment in Indiana as described in section 3(a)(3) of this chapter.
 21 (i) (f) A person who knowingly or intentionally violates this section
 22 commits a Class B misdemeanor.
 23 SECTION 20. IC 35-47-2-5, AS AMENDED BY P.L.107-2019,
 24 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2021]: Sec. 5. (a) The superintendent may suspend or revoke
 26 any **reciprocity** license issued under this chapter if the superintendent
 27 has reasonable grounds to believe that the person's **reciprocity** license
 28 should be suspended or revoked.
 29 (b) Documented evidence that a person is not a "proper person" to
 30 be licensed as defined by IC 35-47-1-7, or is prohibited under section
 31 3(h)(5) of this chapter from being issued a **reciprocity** license, shall be
 32 grounds for immediate suspension or revocation of a **reciprocity**
 33 license previously issued under this chapter. However, if a **reciprocity**
 34 license is suspended or revoked based solely on an arrest under section
 35 3(h)(5) of this chapter, the **reciprocity** license shall be reinstated upon
 36 the acquittal of the defendant in that case or upon the dismissal of the
 37 charges for the specific offense.
 38 (c) A person who knowingly or intentionally fails to promptly return
 39 the person's **reciprocity** license after written notice of suspension or
 40 revocation commits a Class A misdemeanor. The observation of a
 41 ~~handgun~~ **reciprocity** license in the possession of a person whose
 42 **reciprocity** license has been suspended or revoked constitutes a



1 sufficient basis for the arrest of that person for violation of this
2 subsection.

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

6 SECTION 21. IC 35-47-2-17, AS AMENDED BY P.L.158-2013,
7 SECTION 581, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) No person, in purchasing or
9 otherwise securing delivery of a firearm or in applying for a
10 **reciprocity** license, ~~to carry a handgun~~, shall knowingly or
11 intentionally:

12 (1) give false information on a form required to:

13 (A) purchase or secure delivery of a firearm; or

14 (B) apply for a **reciprocity** license; ~~to carry a handgun~~; or

15 (2) offer false evidence of identity.

16 In addition to any penalty provided by this chapter, any firearm
17 obtained through false information shall be subject to confiscation and
18 disposition as provided in this chapter. Upon notice of a violation of
19 this section by the superintendent, it shall be the duty of the sheriff or
20 chief of police or corresponding officer of the jurisdiction in which the
21 purchaser resides to confiscate the firearm and retain it as evidence
22 pending trial for the offense.

23 (b) A person who knowingly or intentionally violates this section
24 commits a Level 5 felony.

25 SECTION 22. IC 35-47-2-20 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20. ~~(a)~~ A full pardon
27 from the governor of Indiana for:

28 (1) a felony other than a felony that is included in IC 35-42; or

29 (2) a violation of this chapter;

30 removes any disability under this chapter imposed because of that
31 offense, if fifteen (15) years have elapsed between the time of the
32 offense and the application for a **reciprocity** license under this chapter.

33 ~~(b) A conditional pardon described in IC 11-9-2-4 for:~~

34 ~~(1) a felony; or~~

35 ~~(2) a violation of this chapter;~~

36 ~~removes a disability under this chapter if the superintendent determines~~
37 ~~after an investigation that circumstances have changed since the~~
38 ~~pardoned conviction was entered to such an extent that the pardoned~~
39 ~~person is likely to handle handguns in compliance with the law.~~

40 SECTION 23. IC 35-47-2-22 IS REPEALED [EFFECTIVE JULY
41 1, 2021]. Sec. 22. ~~(a) It is unlawful for any person to use, or to attempt~~
42 ~~to use; a false, counterfeit, spurious, or altered handgun-carrying~~



1 license to obtain a handgun contrary to the provisions of this chapter.

2 (b) A person who knowingly or intentionally violates this section
3 commits a Level 6 felony.

4 SECTION 24. IC 35-47-2-24 IS REPEALED [EFFECTIVE JULY
5 1, 2021]. Sec. 24. (a) In an information or indictment brought for the
6 enforcement of any provision of this chapter, it is not necessary to
7 negate any exemption specified under this chapter, or to allege the
8 absence of a license required under this chapter. The burden of proof
9 is on the defendant to prove that he is exempt under section 2 of this
10 chapter, or that he has a license as required under this chapter.

11 (b) Whenever a person who has been arrested or charged with a
12 violation of section 1 of this chapter presents a valid license to the
13 prosecuting attorney or establishes that he is exempt under section 2 of
14 this chapter, any prosecution for a violation of section 1 of this chapter
15 shall be dismissed immediately, and all records of an arrest or
16 proceedings following arrest shall be destroyed immediately.

17 SECTION 25. IC 35-47-2.5-1, AS AMENDED BY P.L.152-2014,
18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2021]: Sec. 1. (a) Sections 2 through 5 of this chapter do not
20 apply to the following:

21 (1) Transactions between persons who are licensed as firearms
22 importers or collectors or firearms manufacturers or dealers under
23 18 U.S.C. 923.

24 (2) Purchases by or sales to a law enforcement officer or agent of
25 the United States, the state, or a county or local government.

26 (3) ~~Indiana residents licensed to carry handguns under~~
27 ~~IC 35-47-2-3.~~ **in possession of a reciprocity license described**
28 **in IC 35-47-2-3.**

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

32 (1) the state participates in the NICS; and

33 (2) there is a conflict between:

34 (A) a provision of this chapter; and

35 (B) a procedure required under the NICS;

36 the procedure required under the NICS prevails over the conflicting
37 provision of this chapter.

38 SECTION 26. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,
39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2021]: Sec. 4. This chapter may not be construed to prevent
41 any of the following:

42 (1) A law enforcement agency of a political subdivision from



- 1 enacting and enforcing regulations pertaining to firearms,
 2 ammunition, or firearm accessories issued to or used by law
 3 enforcement officers in the course of their official duties.
- 4 (2) Subject to IC 34-28-7-2, an employer from regulating or
 5 prohibiting the employees of the employer from carrying firearms
 6 and ammunition in the course of the employee's official duties.
- 7 (3) A court or administrative law judge from hearing and
 8 resolving any case or controversy or issuing any opinion or order
 9 on a matter within the jurisdiction of the court or judge.
- 10 (4) The enactment or enforcement of generally applicable zoning
 11 or business ordinances that apply to firearms businesses to the
 12 same degree as other similar businesses. However, a provision of
 13 an ordinance that is designed or enforced to effectively restrict or
 14 prohibit the sale, purchase, transfer, manufacture, or display of
 15 firearms, ammunition, or firearm accessories that is otherwise
 16 lawful under the laws of this state is void. A unit (as defined in
 17 IC 36-1-2-23) may not use the unit's planning and zoning powers
 18 under IC 36-7-4 to prohibit the sale of firearms within a
 19 prescribed distance of any other type of commercial property or
 20 of school property or other educational property.
- 21 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a
 22 provision prohibiting or restricting the possession of a firearm in
 23 any building that contains the courtroom of a circuit, superior,
 24 city, town, or small claims court. However, if a portion of the
 25 building is occupied by a residential tenant or private business,
 26 any provision restricting or prohibiting the possession of a firearm
 27 does not apply to the portion of the building that is occupied by
 28 the residential tenant or private business, or to common areas of
 29 the building used by a residential tenant or private business.
- 30 (6) The enactment or enforcement of a provision prohibiting or
 31 restricting the intentional display of a firearm at a public meeting.
- 32 (7) The enactment or enforcement of a provision prohibiting or
 33 restricting the possession of a firearm in a public hospital
 34 corporation that contains a secure correctional health unit that is
 35 staffed by a law enforcement officer twenty-four (24) hours a day.
- 36 (8) The imposition of any restriction or condition placed on a
 37 person participating in:
- 38 (A) a community corrections program (IC 11-12-1);
 39 (B) a forensic diversion program (IC 11-12-3.7); or
 40 (C) a pretrial diversion program (IC 33-39-1).
- 41 (9) The enforcement or prosecution of the offense of criminal
 42 recklessness (IC 35-42-2-2) involving the use of a firearm.



- 1 (10) For an event occurring on property leased from a political
 2 subdivision or municipal corporation by the promoter or organizer
 3 of the event:
- 4 (A) the establishment, by the promoter or organizer, at the
 5 promoter's or organizer's own discretion, of rules of conduct or
 6 admission upon which attendance at or participation in the
 7 event is conditioned; or
 8 (B) the implementation or enforcement of the rules of conduct
 9 or admission described in clause (A) by a political subdivision
 10 or municipal corporation in connection with the event.
- 11 (11) The enactment or enforcement of a provision prohibiting or
 12 restricting the possession of a firearm in a hospital established
 13 and operated under IC 16-22-2 or IC 16-23.
- 14 (12) A unit from using the unit's planning and zoning powers
 15 under IC 36-7-4 to prohibit the sale of firearms within two
 16 hundred (200) feet of a school by a person having a business that
 17 did not sell firearms within two hundred (200) feet of a school
 18 before April 1, 1994.
- 19 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)
 20 from enacting or enforcing a provision prohibiting or restricting
 21 the possession of a firearm in a building owned or administered
 22 by the unit if:
- 23 (A) metal detection devices are located at each public entrance
 24 to the building;
- 25 (B) each public entrance to the building is staffed by at least
 26 one (1) law enforcement officer:
- 27 (i) who has been adequately trained to conduct inspections
 28 of persons entering the building by use of metal detection
 29 devices and proper physical pat down searches; and
 30 (ii) when the building is open to the public; and
- 31 (C) each:
- 32 (i) individual who enters the building through the public
 33 entrance when the building is open to the public; and
 34 (ii) bag, package, and other container carried by the
 35 individual;
- 36 is inspected by a law enforcement officer described in clause
 37 (B).
- 38 However, except as provided in subdivision (5) concerning a
 39 building that contains a courtroom, a unit may not prohibit or
 40 restrict the possession of a handgun under this subdivision in a
 41 building owned or administered by the unit if the person who
 42 possesses the handgun ~~has been issued a valid license to carry the~~



- 1 ~~handgun under IC 35-47-2. is not otherwise prohibited from~~
 2 ~~carrying or possessing a handgun.~~
- 3 SECTION 27. IC 35-47-14-6, AS AMENDED BY P.L.142-2020,
 4 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2021]: Sec. 6. (a) The court shall conduct a hearing as
 6 required under this chapter.
- 7 (b) The state has the burden of proving all material facts by clear
 8 and convincing evidence.
- 9 (c) If the court determines that the state has proved by clear and
 10 convincing evidence that the individual is dangerous, the court shall
 11 issue a written order:
- 12 (1) finding the individual is dangerous (as defined in section 1 of
 13 this chapter);
- 14 (2) ordering the law enforcement agency having custody of the
 15 seized firearm to retain the firearm;
- 16 (3) ordering the individual's **reciprocity** license, ~~to carry a~~
 17 ~~handgun~~, if applicable, suspended; and
- 18 (4) enjoining the individual from:
- 19 (A) renting;
- 20 (B) receiving transfer of;
- 21 (C) owning; or
- 22 (D) possessing;
- 23 a firearm; and
- 24 determine whether the individual should be referred to further
 25 proceedings to consider whether the individual should be involuntarily
 26 detained or committed under IC 12-26-6-2(a)(2)(B).
- 27 (d) If the court finds that the individual is dangerous under
 28 subsection (c), the clerk shall transmit the order of the court to the
 29 office of judicial administration:
- 30 (1) for transmission to NICS (as defined in IC 35-47-2.5-2.5); and
 31 (2) beginning July 1, 2021, for the collection of certain data
 32 related to the confiscation and retention of firearms taken from
 33 dangerous individuals;
- 34 in accordance with IC 33-24-6-3.
- 35 (e) If the court orders a law enforcement agency to retain a firearm,
 36 the law enforcement agency shall retain the firearm until the court
 37 orders the firearm returned or otherwise disposed of.
- 38 (f) If the court determines that the state has failed to prove by clear
 39 and convincing evidence that the individual is dangerous, the court
 40 shall issue a written order that:
- 41 (1) the individual is not dangerous (as defined in section 1 of this
 42 chapter); and



- 1 (2) the law enforcement agency having custody of the firearm
 2 shall return the firearm as quickly as practicable, but not later
 3 than five (5) days after the date of the order, to the individual
 4 from whom it was seized.
- 5 SECTION 28. IC 35-50-2-13, AS AMENDED BY P.L.84-2015,
 6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2021]: Sec. 13. (a) The state may seek, on a page separate
 8 from the rest of a charging instrument, to have a person who allegedly
 9 committed an offense of dealing in a controlled substance under
 10 IC 35-48-4-1 through IC 35-48-4-4 sentenced to an additional fixed
 11 term of imprisonment if the state can show beyond a reasonable doubt
 12 that the person knowingly or intentionally:
- 13 (1) used a firearm; or
 14 (2) possessed a:
- 15 ~~(A) handgun in violation of IC 35-47-2-1;~~
 16 ~~(B)~~ (A) sawed-off shotgun in violation of federal law; or
 17 ~~(C)~~ (B) machine gun in violation of IC 35-47-5-8;
 18 while committing the offense.
- 19 (b) If the person was convicted of the offense in a jury trial, the jury
 20 shall reconvene to hear evidence in the enhancement hearing. If the
 21 trial was to the court, or the judgment was entered on a guilty plea, the
 22 court alone shall hear evidence in the enhancement hearing.
- 23 (c) If the jury (if the hearing is by jury) or the court (if the hearing
 24 is to the court alone) finds that the state has proved beyond a
 25 reasonable doubt that the person knowingly or intentionally committed
 26 an offense as described in subsection (a), the court may sentence the
 27 person to an additional fixed term of imprisonment of not more than
 28 five (5) years, except as follows:
- 29 (1) If the firearm is a sawed-off shotgun, the court may sentence
 30 the person to an additional fixed term of imprisonment of not
 31 more than ten (10) years.
- 32 (2) If the firearm is a machine gun or is equipped with a firearm
 33 silencer or firearm muffler, the court may sentence the person to
 34 an additional fixed term of imprisonment of not more than twenty
 35 (20) years. The additional sentence under this subdivision is in
 36 addition to any additional sentence imposed under section 11 of
 37 this chapter for use of a firearm in the commission of an offense.

