

HOUSE BILL No. 1238

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-47.

Synopsis: Regulation of assault weapons. Prohibits a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from selling or delivering a semiautomatic assault weapon to a person who is less than 21 years of age. Defines terms.

Effective: July 1, 2023.

Campbell

January 10, 2023, read first time and referred to Committee on Public Policy.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1238

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 35-31.5-2-25.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2023]: **Sec. 25.5. "Barrel shroud", for**
4 **purposes of IC 35-47-5.5, has the meaning set forth in**
5 **IC 35-47-5.5-1.**

6 SECTION 2. IC 35-31.5-2-26.3 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2023]: **Sec. 26.3. "Belt-fed semiautomatic**
9 **firearm", for purposes of IC 35-47-5.5, has the meaning set forth**
10 **in IC 35-47-5.5-2.**

11 SECTION 3. IC 35-31.5-2-92.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2023]: **Sec. 92.5. "Detachable magazine", for**
14 **purposes of IC 35-47-5.5, has the meaning set forth in**
15 **IC 35-47-5.5-3.**

16 SECTION 4. IC 35-31.5-2-135.5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2023]: **Sec. 135.5. "Fixed magazine", for**
2 **purposes of IC 35-47-5.5, has the meaning set forth in**
3 **IC 35-47-5.5-4.**

4 SECTION 5. IC 35-31.5-2-136.5 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2023]: **Sec. 136.5. "Folding, telescoping, or**
7 **detachable stock", for purposes of IC 35-47-5.5, has the meaning**
8 **set forth in IC 35-47-5.5-5.**

9 SECTION 6. IC 35-31.5-2-139.1 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2023]: **Sec. 139.1. "Forward grip", for**
12 **purposes of IC 35-47-5.5, has the meaning set forth in**
13 **IC 35-47-5.5-6.**

14 SECTION 7. IC 35-31.5-2-146.5 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2023]: **Sec. 146.5. "Grenade launcher", for**
17 **purposes of IC 35-47-5.5, has the meaning set forth in**
18 **IC 35-47-5.5-7.**

19 SECTION 8. IC 35-31.5-2-187.5 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2023]: **Sec. 187.5. "Licensed importer,**
22 **licensed manufacturer, licensed dealer, or licensed collector", for**
23 **purposes of IC 35-47-5.5, has the meaning set forth in**
24 **IC 35-47-5.5-8.**

25 SECTION 9. IC 35-31.5-2-235.6 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2023]: **Sec. 235.6. "Pistol grip", for purposes**
28 **of IC 35-47-5.5, has the meaning set forth in IC 35-47-5.5-9.**

29 SECTION 10. IC 35-31.5-2-291.4 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2023]: **Sec. 291.4. "Semiautomatic assault**
32 **weapon", for purposes of IC 35-47-5.5, has the meaning set forth**
33 **in IC 35-47-5.5-10.**

34 SECTION 11. IC 35-31.5-2-291.5 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2023]: **Sec. 291.5. "Semiautomatic pistol",**
37 **for purposes of IC 35-47-5.5, has the meaning set forth in**
38 **IC 35-47-5.5-11.**

39 SECTION 12. IC 35-31.5-2-291.6 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2023]: **Sec. 291.6. "Semiautomatic rifle", for**
42 **purposes of IC 35-47-5.5, has the meaning set forth in**



- 1 **IC 35-47-5.5-12.**
2 SECTION 13. IC 35-31.5-2-291.7 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2023]: **Sec. 291.7. "Semiautomatic shotgun",**
5 **for purposes of IC 35-47-5.5, has the meaning set forth in**
6 **IC 35-47-5.5-13.**
- 7 SECTION 14. IC 35-31.5-2-329.8 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2023]: **Sec. 329.8. "Threaded barrel",** **for**
10 **purposes of IC 35-47-5.5, has the meaning set forth in**
11 **IC 35-47-5.5-14.**
- 12 SECTION 15. IC 35-47-1-2.6 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2023]: **Sec. 2.6. "Barrel shroud",** **for**
15 **purposes of IC 35-47-5.5, has the meaning set forth in**
16 **IC 35-47-5.5-1.**
- 17 SECTION 16. IC 35-47-1-2.7 IS ADDED TO THE INDIANA
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2023]: **Sec. 2.7. "Belt-fed semiautomatic**
20 **firearm",** **for purposes of IC 35-47-5.5, has the meaning set forth**
21 **in IC 35-47-5.5-2.**
- 22 SECTION 17. IC 35-47-1-3.5 IS ADDED TO THE INDIANA
23 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2023]: **Sec. 3.5. "Detachable magazine",** **for**
25 **purposes of IC 35-47-5.5, has the meaning set forth in**
26 **IC 35-47-5.5-3.**
- 27 SECTION 18. IC 35-47-1-5.2 IS ADDED TO THE INDIANA
28 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2023]: **Sec. 5.2. "Fixed magazine",** **for**
30 **purposes of IC 35-47-5.5, has the meaning set forth in**
31 **IC 35-47-5.5-4.**
- 32 SECTION 19. IC 35-47-1-5.3 IS ADDED TO THE INDIANA
33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2023]: **Sec. 5.3. "Folding, telescoping, or**
35 **detachable stock",** **for purposes of IC 35-47-5.5, has the meaning**
36 **set forth in IC 35-47-5.5-5.**
- 37 SECTION 20. IC 35-47-1-5.4 IS ADDED TO THE INDIANA
38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2023]: **Sec. 5.4. "Forward grip",** **for**
40 **purposes of IC 35-47-5.5, has the meaning set forth in**
41 **IC 35-47-5.5-6.**
- 42 SECTION 21. IC 35-47-1-5.6 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2023]: **Sec. 5.6. "Grenade launcher", for**
 3 **purposes of IC 35-47-5.5, has the meaning set forth in**
 4 **IC 35-47-5.5-7.**

5 SECTION 22. IC 35-47-1-6.5 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2023]: **Sec. 6.5. "Licensed importer, licensed**
 8 **manufacturer, licensed dealer, or licensed collector", for purposes**
 9 **of IC 35-47-5.5, has the meaning set forth in IC 35-47-5.5-8.**

10 SECTION 23. IC 35-47-1-6.8 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2023]: **Sec. 6.8. "Pistol grip", for purposes of**
 13 **IC 35-47-5.5, has the meaning set forth in IC 35-47-5.5-9.**

14 SECTION 24. IC 35-47-1-10.4 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2023]: **Sec. 10.4. "Semiautomatic assault**
 17 **weapon", for purposes of IC 35-47-5.5, has the meaning set forth**
 18 **in IC 35-47-5.5-10.**

19 SECTION 25. IC 35-47-1-10.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2023]: **Sec. 10.5. "Semiautomatic pistol", for**
 22 **purposes of IC 35-47-5.5, has the meaning set forth in**
 23 **IC 35-47-5.5-11.**

24 SECTION 26. IC 35-47-1-10.6 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2023]: **Sec. 10.6. "Semiautomatic rifle", for**
 27 **purposes of IC 35-47-5.5, has the meaning set forth in**
 28 **IC 35-47-5.5-12.**

29 SECTION 27. IC 35-47-1-10.7 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2023]: **Sec. 10.7. "Semiautomatic shotgun",**
 32 **for purposes of IC 35-47-5.5, has the meaning set forth in**
 33 **IC 35-47-5.5-13.**

34 SECTION 28. IC 35-47-1-12.5 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2023]: **Sec. 12.5. "Threaded barrel", for**
 37 **purposes of IC 35-47-5.5, has the meaning set forth in**
 38 **IC 35-47-5.5-14.**

39 SECTION 29. IC 35-47-5.5 IS ADDED TO THE INDIANA CODE
 40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2023]:

42 **Chapter 5.5. Regulation of Assault Weapons**



1 **Sec. 1. (a) As used in this chapter, and except as provided in**
2 **subsection (b), "barrel shroud" means a shroud that is:**

3 **(1) attached to; or**

4 **(2) partially or completely encircles;**

5 **the barrel of a firearm so that the shroud protects the user of the**
6 **firearm from heat generated by the barrel.**

7 **(b) The term defined in subsection (a) does not include:**

8 **(1) a slide that partially or completely encloses the barrel; or**

9 **(2) an extension of the stock along the bottom of the barrel**
10 **which does not encircle or substantially encircle the barrel.**

11 **Sec. 2. As used in this chapter, "belt-fed semiautomatic**
12 **firearm" means a repeating firearm that:**

13 **(1) uses a portion of the energy of a firing cartridge to:**

14 **(A) extract the fired cartridge case; and**

15 **(B) chamber the next round;**

16 **(2) requires a separate pull of the trigger to fire each**
17 **cartridge; and**

18 **(3) has the capacity to accept a belt ammunition feeding**
19 **device.**

20 **Sec. 3. As used in this chapter, "detachable magazine" means an**
21 **ammunition feeding device that can be removed from a firearm**
22 **without disassembly of the firearm action.**

23 **Sec. 4. As used in this chapter, "fixed magazine" means an**
24 **ammunition feeding device that is permanently fixed to the firearm**
25 **in such a manner that it cannot be removed without disassembly of**
26 **the firearm.**

27 **Sec. 5. As used in this chapter, "folding, telescoping, or**
28 **detachable stock" means a stock that folds, telescopes, detaches, or**
29 **otherwise operates to:**

30 **(1) reduce the length, size, or any other dimension of; or**

31 **(2) otherwise enhance the ability to conceal;**

32 **a firearm.**

33 **Sec. 6. As used in this chapter, "forward grip" means a grip**
34 **located forward of the trigger that functions as a pistol grip.**

35 **Sec. 7. As used in this chapter, "grenade launcher" means an**
36 **attachment for use on a firearm that is designed to propel a**
37 **grenade or other similar destructive device.**

38 **Sec. 8. As used in this chapter, "licensed importer, licensed**
39 **manufacturer, licensed dealer, or licensed collector" has the**
40 **meaning set forth in 18 U.S.C. 921(a) corresponding to each term,**
41 **as applicable.**

42 **Sec. 9. As used in this chapter, "pistol grip" means a grip, a**



1 thumbhole stock or Thordsen-type grip or stock, or any other
2 characteristic that can function as a grip.

3 **Sec. 10.** As used in this chapter, "semiautomatic assault
4 weapon" means any of the following, regardless of the country of
5 manufacture or the caliber of ammunition accepted:

6 (1) A semiautomatic rifle that has the capacity to accept a
7 detachable magazine and at least one (1) of the following:

8 (A) A pistol grip.

9 (B) A forward grip.

10 (C) A folding, telescoping, or detachable stock.

11 (D) A capability to be otherwise foldable or adjustable in
12 a manner that:

13 (i) operates to reduce the length, size, or any other
14 dimension of; or

15 (ii) otherwise enhances the ability to conceal;

16 the weapon.

17 (E) A grenade launcher.

18 (F) A barrel shroud.

19 (G) A threaded barrel.

20 (2) A semiautomatic rifle that has a fixed magazine with the
21 capacity to accept more than ten (10) rounds. This subdivision
22 does not include an attached tubular device that is:

23 (A) designed to accept; and

24 (B) capable of operating only with;

25 .22 caliber rimfire ammunition.

26 (3) A part, combination of parts, component, device,
27 attachment, or accessory that:

28 (A) is designed; or

29 (B) functions;

30 to accelerate the rate of fire of a semiautomatic rifle but not
31 convert the semiautomatic rifle into a machine gun.

32 (4) A semiautomatic pistol that has the capacity to accept a
33 detachable magazine and:

34 (A) has:

35 (i) a threaded barrel;

36 (ii) a second pistol grip;

37 (iii) a barrel shroud;

38 (iv) the capacity to accept a detachable magazine at some
39 location outside of the pistol grip;

40 (v) a manufactured weight of fifty (50) ounces or more
41 when unloaded; or

42 (vi) a stabilizing brace or similar component; or



- 1 **(B) is a semiautomatic version of an automatic firearm.**
 2 **(5) A semiautomatic pistol with a fixed magazine that has the**
 3 **capacity to accept more than ten (10) rounds.**
 4 **(6) A semiautomatic shotgun that has at least one (1) of the**
 5 **following:**
 6 **(A) A folding, telescoping, or detachable stock.**
 7 **(B) A pistol grip.**
 8 **(C) A fixed magazine with the capacity to accept more than**
 9 **five (5) rounds.**
 10 **(D) The ability to accept a detachable magazine.**
 11 **(E) A forward grip.**
 12 **(F) A grenade launcher.**
 13 **(7) A shotgun with a revolving cylinder.**
 14 **(8) A belt-fed semiautomatic firearm.**
 15 **(9) Any combination of parts from which a firearm described**
 16 **in subdivisions (1) through (8) can be assembled.**
 17 **Sec. 11. As used in this chapter, "semiautomatic pistol" means**
 18 **a repeating pistol that:**
 19 **(1) uses a portion of the energy of a firing cartridge to:**
 20 **(A) extract the fired cartridge case; and**
 21 **(B) chamber the next round; and**
 22 **(2) requires a separate pull of the trigger to fire each**
 23 **cartridge.**
 24 **Sec. 12. As used in this chapter, "semiautomatic rifle" means a**
 25 **repeating rifle that:**
 26 **(1) uses a portion of the energy of a firing cartridge to:**
 27 **(A) extract the fired cartridge case; and**
 28 **(B) chamber the next round; and**
 29 **(2) requires a separate pull of the trigger to fire each**
 30 **cartridge.**
 31 **Sec. 13. As used in this chapter, "semiautomatic shotgun"**
 32 **means a repeating shotgun that:**
 33 **(1) uses a portion of the energy of a firing cartridge to:**
 34 **(A) extract the fired cartridge case; and**
 35 **(B) chamber the next round; and**
 36 **(2) requires a separate pull of the trigger to fire each**
 37 **cartridge.**
 38 **Sec. 14. As used in this chapter, "threaded barrel" means a**
 39 **feature or characteristic that is designed to allow for the**
 40 **attachment of a device such as a firearm silencer or a flash**
 41 **suppressor.**
 42 **Sec. 15. A licensed importer, licensed manufacturer, licensed**



1 **dealer, or licensed collector may not sell or deliver a semiautomatic**
2 **assault weapon to a person who is less than twenty-one (21) years**
3 **of age.**

