

SENATE BILL No. 45

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2.

Synopsis: Handgun training. Requires a person who applies after December 31, 2014, for a license to carry a handgun to first complete an eight hour handgun safety and training program.

Effective: July 1, 2014.

Breaux

January 6, 2014, read first time and referred to Committee on Judiciary.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 45



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-47-2-3, AS AMENDED BY P.L.158-2013,
2 SECTION 574, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person desiring a license
4 to carry a handgun shall apply:
5 (1) to the chief of police or corresponding law enforcement officer
6 of the municipality in which the applicant resides;
7 (2) if that municipality has no such officer, or if the applicant does
8 not reside in a municipality, to the sheriff of the county in which
9 the applicant resides after the applicant has obtained an
10 application form prescribed by the superintendent; or
11 (3) if the applicant is a resident of another state and has a regular
12 place of business or employment in Indiana, to the sheriff of the
13 county in which the applicant has a regular place of business or
14 employment.
15 The superintendent and local law enforcement agencies shall allow an
16 applicant desiring to obtain or renew a license to carry a handgun to



1 submit an application electronically under this chapter if funds are
2 available to establish and maintain an electronic application system.

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

5 (1) From a person applying for a four (4) year handgun license, a
6 ten dollar (\$10) application fee, five dollars (\$5) of which shall be
7 refunded if the license is not issued.

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

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

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

25 (c) The officer to whom the application is made shall ascertain the
26 applicant's name, full address, length of residence in the community,
27 whether the applicant's residence is located within the limits of any city
28 or town, the applicant's occupation, place of business or employment,
29 criminal record, if any, and convictions (minor traffic offenses
30 excepted), age, race, sex, nationality, date of birth, citizenship, height,
31 weight, build, color of hair, color of eyes, scars and marks, whether the
32 applicant has previously held an Indiana license to carry a handgun
33 and, if so, the serial number of the license and year issued, whether the
34 applicant's license has ever been suspended or revoked, and if so, the
35 year and reason for the suspension or revocation, and the applicant's
36 reason for desiring a license.

37 (c) An applicant for a license to carry a handgun shall submit
38 the following information to the appropriate law enforcement
39 officer or superintendent under subsection (a):

40 (1) The applicant's name, full address, length of residence in
41 the community, and whether the applicant's residence is
42 located within the limits of any city or town.



- 1 **(2) The applicant's occupation or place of business or**
 2 **employment.**
- 3 **(3) The applicant's criminal record, if any, and convictions**
 4 **(except for minor traffic offenses).**
- 5 **(4) The applicant's age, race, sex, nationality, date of birth,**
 6 **citizenship, height, weight, build, color of hair, color of eyes,**
 7 **scars, and marks.**
- 8 **(5) Whether the applicant has previously held an Indiana**
 9 **license to carry a handgun issued under this chapter and, if**
 10 **so:**
- 11 **(A) the serial number of the license and the year the license**
 12 **was issued;**
- 13 **(B) whether the applicant's license has ever been**
 14 **suspended or revoked; and**
- 15 **(C) if the applicant's license was ever suspended or**
 16 **revoked, the year of and the reason for the suspension or**
 17 **revocation.**
- 18 **(6) For an application submitted after December 31, 2014, a**
 19 **certificate signifying that the person has successfully**
 20 **completed a handgun safety and training program that meets**
 21 **the requirements set forth in section 3.5 of this chapter.**
- 22 The **law enforcement** officer to whom the application is made **or the**
 23 **superintendent** shall conduct an investigation into the applicant's
 24 official records ~~and to verify thereby~~ the applicant's character and
 25 reputation. ~~and shall in addition~~ **If a law enforcement officer**
 26 **conducts the investigation, the officer shall** verify for accuracy the
 27 information contained in the application and ~~shall forward this the~~
 28 information together with the officer's recommendation for approval or
 29 disapproval and one (1) set of legible and classifiable fingerprints of
 30 the applicant to the superintendent.
- 31 (d) The superintendent may make whatever further investigation the
 32 superintendent deems necessary. Whenever disapproval is
 33 recommended, the officer to whom the application is made shall
 34 provide the superintendent and the applicant with the officer's complete
 35 and specific reasons, in writing, for the recommendation of
 36 disapproval.
- 37 (e) If it appears to the superintendent that the applicant:
 38 (1) has a proper reason for carrying a handgun;
 39 (2) is of good character and reputation;
 40 (3) is a proper person to be licensed; and
 41 (4) is:
 42 (A) a citizen of the United States; or



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

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

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

24 (2) is:

25 (A) recommended by a nonprofit educational organization that
 26 is dedicated to providing education on safe handling and use
 27 of firearms;

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

29 (C) approved by the superintendent.

30 The superintendent may not deny a license under this section because
 31 the information required under this subsection is unavailable at the
 32 time the superintendent would otherwise issue a license. The state
 33 police department may accept private donations or grants to defray the
 34 cost of printing and mailing the information required under this
 35 subsection.

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

38 (1) has been convicted of a felony;

39 (2) has had a license to carry a handgun suspended, unless the
 40 person's license has been reinstated;

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

42 (4) is under twenty-three (23) years of age if the person has been



1 adjudicated a delinquent child for an act that would be a felony if
2 committed by an adult; or

3 (5) has been arrested for a Class A or Class B felony for an
4 offense committed before July 1, 2014, for a Level 1, Level 2,
5 Level 3, or Level 4 felony for an offense committed after June 30,
6 2014, or any other felony that was committed while armed with
7 a deadly weapon or that involved the use of violence, if a court
8 has found probable cause to believe that the person committed the
9 offense charged.

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

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

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

21 (1) changes the person's name;

22 (2) changes the person's address; or

23 (3) experiences a change, including an arrest or a conviction, that
24 may affect the person's status as a proper person (as defined in
25 IC 35-47-1-7) or otherwise disqualify the person from holding a
26 license;

27 the person shall, not later than thirty (30) days after the date of a
28 change described under subdivision (3), and not later than sixty (60)
29 days after the date of the change described under subdivision (1) or (2),
30 notify the superintendent, in writing, of the event described under
31 subdivision (3) or, in the case of a change under subdivision (1) or (2),
32 the person's new name or new address.

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

35 (k) The state police department shall adopt rules under IC 4-22-2 to
36 implement an electronic application system under subsection (a). Rules
37 adopted under this section must require the superintendent to keep on
38 file one (1) set of classifiable and legible fingerprints from every
39 person who has received a license to carry a handgun so that a person
40 who applies to renew a license will not be required to submit an
41 additional set of fingerprints.

42 (l) Except as provided in subsection (m), for purposes of



1 IC 5-14-3-4(a)(1), the following information is confidential, may not
2 be published, and is not open to public inspection:

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

4 (A) obtain; or

5 (B) renew;

6 a license to carry a handgun.

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

10 (A) obtain; or

11 (B) renew;

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

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

16 (m) Notwithstanding subsection (l):

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

20 (A) for law enforcement purposes; or

21 (B) to determine the validity of a license to carry a handgun;
22 and

23 (2) general information concerning the issuance of licenses to
24 carry handguns in Indiana may be released to a person conducting
25 journalistic or academic research, but only if all personal
26 information that could disclose the identity of any person who
27 holds a license to carry a handgun issued under this chapter has
28 been removed from the general information.

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

31 SECTION 2. IC 35-47-2-3.5 IS ADDED TO THE INDIANA CODE
32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
33 1, 2014]: **Sec. 3.5. (a) A person who applies after December 31,
34 2014, for a license to carry a handgun must:**

35 **(1) first successfully complete a handgun safety and training
36 program that meets the requirements of this section; and**

37 **(2) certify under section 3(c)(6) of this chapter the person's
38 successful completion of a handgun safety and training
39 program;**

40 **before a license to carry a handgun may be issued to the applicant
41 under this chapter.**

42 **(b) A handgun safety and training program must meet the**



- 1 following requirements:
- 2 (1) The program must consist of at least eight (8) hours of
- 3 instruction, as specified in this section.
- 4 (2) The:
- 5 (A) program must be certified by a national or state
- 6 firearms training organization; and
- 7 (B) instructor must be certified by a national or state
- 8 firearms training organization as qualified to teach an
- 9 eight (8) hour handgun safety and training program.
- 10 (3) The program must provide at least five (5) hours of
- 11 instruction in the following:
- 12 (A) The safe storage, use, and handling of a handgun,
- 13 including safe storage, use, and handling to protect child
- 14 safety.
- 15 (B) Knowledge of ammunition.
- 16 (C) Handgun firing positions.
- 17 (D) Firearms and the law, including civil liability issues
- 18 and the use of deadly force. The instruction in the subject
- 19 described in this clause must be provided by an attorney or
- 20 a person trained in the use of deadly force.
- 21 (E) Avoiding criminal attack and controlling a violent
- 22 confrontation.
- 23 (F) All laws that apply to carrying a concealed handgun in
- 24 Indiana.
- 25 (4) The program must:
- 26 (A) provide at least three (3) hours of instruction on a
- 27 firing range; and
- 28 (B) require the firing of at least forty-five (45) rounds of
- 29 ammunition.
- 30 (5) The program must provide to a person who successfully
- 31 completes the program a certificate of completion stating
- 32 that:
- 33 (A) the program complies with this section; and
- 34 (B) the person has successfully completed the program.
- 35 The certificate must contain the printed name and signature
- 36 of the instructor who instructed the person.
- 37 (c) A person who grants a certificate of completion described in
- 38 subsection (b)(5) to an individual knowing that the individual did
- 39 not satisfactorily complete the program commits a Level 6 felony.

