

HOUSE BILL No. 1574

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-47-5-8; IC 35-50-2-13.

Synopsis: Automatic and semiautomatic weapons. Makes the manufacture, importation into Indiana, sale, purchase, possession, or transfer of an automatic weapon or a convertible semiautomatic weapon a Level 5 felony. Makes the manufacture, importation into Indiana, sale, purchase, possession, or transfer of a machine gun a Level 5 felony. Provides that a person who commits dealing in cocaine, a narcotic drug, methamphetamine, or certain controlled substances while in possession of an automatic weapon or convertible semiautomatic weapon may be sentenced to an additional fixed term of imprisonment.

Effective: July 1, 2015.

Smith V

January 20, 2015, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1574

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 35-31.5-2-24.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: **Sec. 24.7. "Automatic weapon" means**
4 **a weapon that shoots or is designed to shoot more than one (1) shot,**
5 **without manual reloading, by a single function of the trigger.**

6 SECTION 2. IC 35-31.5-2-66.3 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2015]: **Sec. 66.3. "Convertible semiautomatic**
9 **weapon" means a weapon that can be readily restored to shoot**
10 **more than one (1) shot, without manual reloading, by a single**
11 **function of the trigger.**

12 SECTION 3. IC 35-47-5-8, AS AMENDED BY P.L.158-2013,
13 SECTION 594, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2015]: Sec. 8. A person who knowingly or
15 intentionally: ~~owns or possesses~~



- 1 (1) manufactures;
- 2 (2) imports into Indiana;
- 3 (3) sells;
- 4 (4) purchases;
- 5 (5) possesses; or
- 6 (6) transfers possession of;

7 a machine gun, **an automatic weapon, or a convertible**
 8 **semiautomatic weapon** commits a Level 5 felony.

9 SECTION 4. IC 35-50-2-13, AS AMENDED BY P.L.71-2005,
 10 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2015]: Sec. 13. (a) The state may seek, on a page separate
 12 from the rest of a charging instrument, to have a person who allegedly
 13 committed an offense of dealing in a controlled substance under
 14 IC 35-48-4-1 through IC 35-48-4-4 sentenced to an additional fixed
 15 term of imprisonment if the state can show beyond a reasonable doubt
 16 that the person knowingly or intentionally:

- 17 (1) used a firearm; or
- 18 (2) possessed:
 - 19 (A) a handgun in violation of IC 35-47-2-1;
 - 20 (B) a sawed-off shotgun in violation of IC 35-47-5-4.1; or
 - 21 (C) a machine gun, **an automatic weapon, or a convertible**
 22 **semiautomatic weapon** in violation of IC 35-47-5-8;
 23 while committing the offense.

24 (b) If the person was convicted of the offense in a jury trial, the jury
 25 shall reconvene to hear evidence in the enhancement hearing. If the
 26 trial was to the court, or the judgment was entered on a guilty plea, the
 27 court alone shall hear evidence in the enhancement hearing.

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

- 34 (1) If the firearm is a sawed-off shotgun, the court may sentence
 35 the person to an additional fixed term of imprisonment of not
 36 more than ten (10) years.
- 37 (2) If the firearm is:
 - 38 (A) a machine gun, **an automatic weapon, or a convertible**
 39 **semiautomatic weapon**; or ~~is~~
 - 40 (B) equipped with a firearm silencer or firearm muffler;
 41 the court may sentence the person to an additional fixed term of
 42 imprisonment of not more than twenty (20) years. The additional



1 sentence under this subdivision is in addition to any additional
2 sentence imposed under section 11 of this chapter for use of a
3 firearm in the commission of an offense.

