

HOUSE BILL No. 1633

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-47-17.

Synopsis: Indiana firearms freedom act. Provides that a firearm, a firearm accessory, or ammunition that: (1) is manufactured commercially or privately in Indiana from basic materials; (2) can be manufactured without the inclusion of any significant parts imported from another state; and (3) remains within the borders of Indiana; is not subject to federal law or federal regulation, including registration, under the authority of the United States Congress to regulate interstate commerce.

Effective: July 1, 2015.

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January 22, 2015, read first time and referred to Committee on Public Policy.



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. 1633

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 35-31.5-2-32.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: **Sec. 32.3. "Borders of Indiana", for**
4 **purposes of IC 35-47-17, has the meaning set forth in**
5 **IC 35-47-17-2.**

6 SECTION 2. IC 35-31.5-2-134, AS ADDED BY P.L.114-2012,
7 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2015]: Sec. 134. (a) "Firearm accessory", for purposes of
9 IC 35-47, has the meaning set forth in IC 35-47-1-5.1.

10 (b) "Firearm accessory", for purposes of IC 35-47-17, has the
11 meaning set forth in IC 35-47-17-3.

12 SECTION 3. IC 35-31.5-2-143.2 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2015]: **Sec. 143.2. "Generic and insignificant**
15 **part", for purposes of IC 35-47-17, has the meaning set forth in**



1 **IC 35-47-17-4.**

2 SECTION 4. IC 35-31.5-2-192, AS ADDED BY P.L.114-2012,
3 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 192. (a) **"Manufacture", for purposes of**
5 **IC 35-47-17, has the meaning set forth in IC 35-47-17-5.**

6 (b) **"Manufacture", for purposes of IC 35-48, has the meaning set**
7 **forth in IC 35-48-1-18.**

8 SECTION 5. IC 35-47-17 IS ADDED TO THE INDIANA CODE
9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2015]:

11 **Chapter 17. Indiana Firearms Freedom Act**

12 **Sec. 1. (a) Except as provided in subsection (b), this chapter**
13 **applies to firearms, firearm accessories, and ammunition that are:**

14 (1) **manufactured in Indiana:**

15 (A) **from basic materials; and**

16 (B) **without the inclusion of any significant parts imported**
17 **from another state; and**

18 (2) **retained in Indiana;**

19 **after October 1, 2015.**

20 (b) **This chapter does not apply to the following:**

21 (1) **A firearm that cannot be carried and used by only one (1)**
22 **person.**

23 (2) **A firearm that:**

24 (A) **has a bore diameter greater than one and one-half**
25 **(1 1/2) inches; and**

26 (B) **uses smokeless powder and not black powder as a**
27 **propellant.**

28 (3) **A firearm that discharges at least two (2) projectiles with**
29 **one (1) activation of the trigger or other firing device.**

30 (4) **Ammunition with a projectile that explodes using an**
31 **explosion of chemical energy after the projectile leaves the**
32 **firearm.**

33 **Sec. 2. As used in this chapter, "borders of Indiana" means the**
34 **boundaries of Indiana described in Article 14, Section 1 of the 1851**
35 **Constitution of the State of Indiana.**

36 **Sec. 3. (a) As used in this chapter, "firearm accessory" means**
37 **an item that is:**

38 (1) **used in conjunction with or mounted upon; and**

39 (2) **not essential to the basic function of;**

40 **a firearm.**

41 (b) **The term includes telescopic or laser sights, magazines, flash**
42 **or sound suppressors, folding or aftermarket stocks and grips,**



1 speedloaders, ammunition carriers, and lights for target
2 illumination.

3 Sec. 4. As used in this chapter, "generic and insignificant part"
4 includes a spring, screw, nut, or pin.

5 Sec. 5. (a) As used in this chapter, "manufacture" means to
6 create a firearm, a firearm accessory, or ammunition from basic
7 materials for functional usefulness.

8 (b) The term includes forging, casting, machining, or another
9 process used for working basic materials.

10 Sec. 6. (a) A firearm, a firearm accessory, or ammunition that:

11 (1) is manufactured commercially or privately in Indiana; and

12 (2) remains within the borders of Indiana;

13 is not subject to federal law or federal regulation, including
14 registration, under the authority of the United States Congress to
15 regulate interstate commerce. The general assembly declares that
16 firearms, firearm accessories, or ammunition described in this
17 subsection have not traveled in interstate commerce.

18 (b) A generic and insignificant part:

19 (1) used to manufacture a firearm, a firearm accessory, or
20 ammunition; and

21 (2) that has manufacturing or consumer product applications
22 in addition to its use in manufacturing firearms, firearm
23 accessories, or ammunition;

24 is not a firearm, a firearm accessory, or ammunition, and the
25 part's importation into Indiana and incorporation into a firearm,
26 a firearm accessory, or ammunition manufactured in Indiana does
27 not subject the firearm, firearm accessory, or ammunition to
28 federal regulation.

29 (c) The general assembly declares that basic materials used to
30 manufacture a firearm, a firearm accessory, or ammunition,
31 including unmachined steel and unshaped wood, are:

32 (1) not firearms, firearm accessories, or ammunition; and

33 (2) not subject to the authority of the United States Congress
34 to regulate firearms, firearm accessories, and ammunition
35 under interstate commerce as if the basic materials were
36 firearms, firearm accessories, or ammunition.

37 The authority of the United States Congress to regulate interstate
38 commerce in basic materials does not include authority to regulate
39 firearms, firearm accessories, and ammunition made in Indiana
40 from the basic materials described in this subsection.

41 (d) A firearm accessory that is:

42 (1) imported into Indiana from another state;



1 **(2) attached to or used in conjunction with a firearm in**
2 **Indiana; and**
3 **(3) subject to federal regulation as being in interstate**
4 **commerce;**
5 **does not subject a firearm to federal regulation under the authority**
6 **of the United States Congress to regulate interstate commerce**
7 **because the firearm accessory is attached to or used in conjunction**
8 **with a firearm in Indiana.**
9 **Sec. 7. A firearm described in section 1(a) of this chapter must**
10 **have the words "Made in Indiana" clearly stamped on a central**
11 **metallic part, such as the receiver or frame of the firearm, to be**
12 **subject to this chapter.**

