

# HOUSE BILL No. 1149

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-13-9; IC 35-31.5-2-210.5; IC 35-47.

**Synopsis:** Private gun sales and transfers. Requires a person who is not a firearms dealer or a holder of a federal firearms license who sells or transfers a firearm to another person to create and electronically transmit a receipt of sale or transfer to the state police department by the end of the business day following the day on which the sale or transfer occurred. Specifies the information to be included in the receipt of sale or transfer, and provides that: (1) failure to transmit the information by the end of the business day following the date of sale or transfer is a Class C infraction; and (2) knowingly or intentionally failing to transmit the receipt of sale or transfer within 30 days of the date of sale or transfer is a Class A misdemeanor. Requires the state police department to establish a nondealer firearm sales and transfer data base and specifies the manner in which the receipt of sale or transfer may be electronically transmitted. Provides that the nondealer firearm sales and transfer data base is confidential and limits access to the data base to law enforcement agencies.

**Effective:** July 1, 2016.

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## Smith V

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January 7, 2016, read first time and referred to Committee on Public Policy.

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Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

# HOUSE BILL No. 1149

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 10-13-9 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2016]:  
4 **Chapter 9. Nondealer Firearm Sales and Transfer Data Base**  
5 **Sec. 1. This chapter applies only to the sale or transfer of a**  
6 **firearm by a nondealer (as defined in IC 35-47-1-6.5).**  
7 **Sec. 2. The superintendent shall establish a data base to collect**  
8 **and store electronically submitted receipts of sale or transfer (as**  
9 **described in IC 35-47-2.7-2) from the sale or transfer of a firearm**  
10 **by a nondealer.**  
11 **Sec. 3. The superintendent shall accept a receipt of sale or**  
12 **transfer transmitted electronically in at least one (1) of the**  
13 **following methods:**  
14 **(1) As an electronic mail image or attachment, in a format**  
15 **determined by the superintendent.**  
16 **(2) By means of the department's Internet web site, in a**  
17 **manner determined by the superintendent.**



1           **Sec. 4. (a) The nondealer firearm sales and transfer data base is**  
2 **confidential.**

3           **(b) Access to the nondealer firearm sales and transfer data base**  
4 **is limited to federal, state, and local law enforcement agencies**  
5 **acting within the scope of their duties.**

6           **(c) The superintendent shall take appropriate measures to**  
7 **ensure that the nondealer firearm sales and transfer data base is**  
8 **protected against unauthorized access.**

9           SECTION 2. IC 35-31.5-2-210.5 IS ADDED TO THE INDIANA  
10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2016]: **Sec. 210.5. "Nondealer", for purposes**  
12 **of IC 35-47-2.7, has the meaning set forth in IC 35-47-1-6.5.**

13           SECTION 3. IC 35-47-1-6.5 IS ADDED TO THE INDIANA CODE  
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
15 1, 2016]: **Sec. 6.5. "Nondealer" means a person who is not a dealer**  
16 **or a holder of a federal firearms license.**

17           SECTION 4. IC 35-47-2.7 IS ADDED TO THE INDIANA CODE  
18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2016]:

20           **Chapter 2.7. Firearm Sales or Transfers by Nondealers**

21           **Sec. 1. This chapter applies only to the sale or transfer of a**  
22 **firearm by a nondealer.**

23           **Sec. 2. At the time a nondealer sells or transfers a firearm to a**  
24 **purchaser, the nondealer and purchaser shall complete a receipt of**  
25 **sale or transfer that includes the following information:**

- 26           (1) The date of sale or transfer.  
27           (2) The serial number of the firearm.  
28           (3) A description of the firearm.  
29           (4) The name and address of the seller.  
30           (5) The purchaser's:  
31               (A) name;  
32               (B) date of birth;  
33               (C) address;  
34               (D) driver's license number or state identification card  
35               number;  
36               (E) handgun license number, if applicable; and  
37               (F) telephone number.

38           **The nondealer and purchaser shall sign the receipt of sale or**  
39 **transfer and affirm under penalties of perjury that the information**  
40 **provided is true and correct to the best of their knowledge.**

41           **Sec. 3. Not later than the end of the business day following the**  
42 **day on which a transaction under section 2 of this chapter is**



1 completed, the nondealer seller shall electronically transmit the  
2 receipt of sale or transfer to the Indiana state police department in  
3 a manner approved by the department under IC 10-13-9-3.

4 **Sec. 4. (a) A nondealer seller who fails to transmit a receipt of**  
5 **sale or transfer to the Indiana state police department before the**  
6 **end of the business day following the day on which a transaction**  
7 **under section 2 of this chapter is completed commits a Class C**  
8 **infraction.**

9 **(b) A nondealer seller who knowingly or intentionally fails to**  
10 **transmit a receipt of sale or transfer to the Indiana state police**  
11 **department within thirty (30) days from the date on which a**  
12 **transaction under section 2 of this chapter is completed commits a**  
13 **Class A misdemeanor.**

