

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1071

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AN ACT concerning criminal law and procedure.

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

SECTION 1. IC 35-47-2-1, AS AMENDED BY P.L.158-2013, SECTION 573, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) Except as provided in subsections (b) and (c) and ~~section 2~~ **sections 2 through 2.1** of this chapter, a person shall not carry a handgun in any vehicle or on or about the person's body without being licensed under this chapter to carry a handgun.

(b) Except as provided in subsection (c), a person may carry a handgun without being licensed under this chapter to carry a handgun if:

(1) the person carries the handgun on or about the person's body in or on property that is owned, leased, rented, or otherwise legally controlled by the person;

(2) the person carries the handgun on or about the person's body while lawfully present in or on property that is owned, leased, rented, or otherwise legally controlled by another person, if the person:

(A) has the consent of the owner, renter, lessor, or person who legally controls the property to have the handgun on the premises;

(B) is attending a firearms related event on the property, including a gun show, firearms expo, gun owner's club or



convention, hunting club, shooting club, or training course; or  
 (C) is on the property to receive firearms related services,  
 including the repair, maintenance, or modification of a  
 firearm;

(3) the person carries the handgun in a vehicle that is owned,  
 leased, rented, or otherwise legally controlled by the person, if the  
 handgun is:

- (A) unloaded;
- (B) not readily accessible; and
- (C) secured in a case;

(4) the person carries the handgun while lawfully present in a  
 vehicle that is owned, leased, rented, or otherwise legally  
 controlled by another person, if the handgun is:

- (A) unloaded;
- (B) not readily accessible; and
- (C) secured in a case; ~~or~~

(5) the person carries the handgun:

- (A) at a shooting range (as defined in IC 14-22-31.5-3);
- (B) while attending a firearms instructional course; or
- (C) while engaged in a legal hunting activity; **or**

**(6) the person is permitted to carry a handgun without a  
 license under section 2.1 of this chapter (persons protected by  
 a protection order).**

(c) Unless the person's right to possess a firearm has been restored  
 under IC 35-47-4-7, a person who has been convicted of domestic  
 battery under IC 35-42-2-1.3 may not possess or carry a handgun.

(d) This section may ~~be~~ not **be** construed:

(1) to prohibit a person who owns, leases, rents, or otherwise  
 legally controls private property from regulating or prohibiting the  
 possession of firearms on the private property;

(2) to allow a person to adopt or enforce an ordinance, resolution,  
 policy, or rule that:

- (A) prohibits; or
- (B) has the effect of prohibiting;

an employee of the person from possessing a firearm or  
 ammunition that is locked in the trunk of the employee's vehicle,  
 kept in the glove compartment of the employee's locked vehicle,  
 or stored out of plain sight in the employee's locked vehicle,  
 unless the person's adoption or enforcement of the ordinance,  
 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or

(3) to allow a person to adopt or enforce a law, statute, ordinance,  
 resolution, policy, or rule that allows a person to possess or



transport a firearm or ammunition if the person is prohibited from possessing or transporting the firearm or ammunition by state or federal law.

(e) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 5 felony:

- (1) if the offense is committed:
  - (A) on or in school property;
  - (B) within five hundred (500) feet of school property; or
  - (C) on a school bus; or
- (2) if the person:
  - (A) has a prior conviction of any offense under:
    - (i) this section; or
    - (ii) section 22 of this chapter; or
  - (B) has been convicted of a felony within fifteen (15) years before the date of the offense.

SECTION 2. IC 35-47-2-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 2.1. (a) As used in this section, "protection order" means a civil protection order issued under IC 34-26-5.**

**(b) A person may carry a handgun without a license if the person:**

- (1) has applied for a license to carry a handgun as described in IC 35-47-2-3;**
- (2) is protected by a protection order;**
- (3) is at least eighteen (18) years of age; and**
- (4) is not otherwise barred by state or federal law from possessing a handgun;**

**during the period described in subsection (c).**

**(c) A person described in subsection (b) may carry a handgun without a license for a period ending sixty (60) days after the date the protection order is issued.**

SECTION 3. IC 35-47-2-3, AS AMENDED BY P.L.158-2013, SECTION 574, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 3. (a) A person desiring a license to carry a handgun shall apply:**

- (1) to the chief of police or corresponding law enforcement officer of the municipality in which the applicant resides;
- (2) if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which the applicant resides after the applicant has obtained an application form prescribed by the superintendent; or



(3) if the applicant is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which the applicant has a regular place of business or employment.

The superintendent and local law enforcement agencies shall allow an applicant desiring to obtain or renew a license to carry a handgun to submit an application electronically under this chapter if funds are available to establish and maintain an electronic application system.

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

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

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

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

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

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



made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

- (1) has a proper reason for carrying a handgun;
- (2) is of good character and reputation;
- (3) is a proper person to be licensed; and
- (4) is:

(A) a citizen of the United States; or

(B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years in the case of a four (4) year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license. A four (4) year license shall be valid for a period of four (4) years from the date of issue. A lifetime license is valid for the life of the individual receiving the license. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service shall be valid for the life of these individuals. However, a lifetime license is automatically revoked if the license holder does not remain a proper person.

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

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



(2) is:

- (A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;
- (B) prepared by the state police department; and
- (C) approved by the superintendent.

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

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

- (1) has been convicted of a felony;
- (2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;
- (3) is under eighteen (18) years of age;
- (4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (5) has been arrested for a Class A or Class B felony for an offense committed before July 1, 2014, for a Level 1, Level 2, Level 3, or Level 4 felony for an offense committed after June 30, 2014, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

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

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

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

- (1) changes the person's name;
- (2) changes the person's address; or
- (3) experiences a change, including an arrest or a conviction, that



may affect the person's status as a proper person (as defined in IC 35-47-1-7) or otherwise disqualify the person from holding a license;

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

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

(k) The state police department shall adopt rules under IC 4-22-2 to:

**(1) implement an electronic application system under subsection (a); and**

**(2) expedite the processing of an application made by a person described in IC 35-47-2-2.1(b).**

Rules adopted under this section must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

(l) Except as provided in subsection (m), for purposes of IC 5-14-3-4(a)(1), the following information is confidential, may not be published, and is not open to public inspection:

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

(A) obtain; or

(B) renew;

a license to carry a handgun.

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

(A) obtain; or

(B) renew;

a license to carry a handgun issued under this chapter.

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

(m) Notwithstanding subsection (l):

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

(A) for law enforcement purposes; or



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

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

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

**SECTION 4. [EFFECTIVE JULY 1, 2017] (a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.**

**(b) As used in this SECTION, "study committee" means either of the following:**

- (1) A statutory committee established under IC 2-5.**
- (2) An interim study committee.**

**(c) The legislative council is urged to assign to the appropriate study committee the task of studying the repeal of the law that requires a person to obtain a license to carry a handgun in Indiana.**

**(d) If an appropriate study committee is assigned the topic described under subsection (c), the study committee may consider, as part of its study, the following:**

- (1) The fiscal impact of a repeal of the handgun licensure law.**
- (2) The issuance and use of reciprocity licenses.**
- (3) Any persons who should be prohibited from possessing or carrying a handgun.**
- (4) The rate in which handguns are used in suicides in Indiana.**
- (5) The rate in which handguns are used in criminal acts in Indiana.**

**(e) If the topic described in subsection (c) is assigned to an interim study committee, the interim study committee shall issue to the legislative council a final report containing the interim study committee's findings and recommendations, including any recommended legislation concerning the repeal of the handgun licensure law, in an electronic format under IC 5-14-6, not later than November 1, 2017.**

**(f) This SECTION expires December 31, 2017.**

**SECTION 5. An emergency is declared for this act.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

