

# HOUSE BILL No. 1048

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2-39; IC 35-47.

**Synopsis:** Firearm storage. Requires a retail dealer to conspicuously display certain language regarding the accessibility of firearms by children at the retail dealer's place of business. Provides that a child care provider or custodial parent, legal guardian, or grandparent who knowingly, intentionally, or recklessly fails to secure a firearm against accessibility by a child commits dangerous storage of a firearm, a Class B infraction. Provides that the offense is a Class A misdemeanor if the child care provider or custodial parent, legal guardian, or grandparent has a prior, unrelated conviction for the offense. Provides that the offense is a Level 6 felony if: (1) the offense results in death or serious bodily injury; or (2) the child care provider or custodial parent, legal guardian, or grandparent has two or more prior, unrelated convictions for the offense. Provides certain exceptions. Provides immunity in certain instances. Provides that a person not in a place specifically set aside for the discharge of a firearm who knowingly or intentionally discharges a loaded firearm without legal justification while in a city or town commits a Level 6 felony.

**Effective:** July 1, 2019.

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January 3, 2019, read first time and referred to Committee on Public Policy.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1048

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 35-31.5-2-39, AS AMENDED BY P.L.158-2013,  
2 SECTION 355, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2019]: Sec. 39. (a) "Child care provider", for  
4 purposes of IC 35-46-1-4.1, has the meaning set forth in  
5 IC 35-46-1-4.1(a).

6 (b) "Child care provider", for purposes of IC 35-47-10, has the  
7 meaning set forth in IC 35-47-10-3.5.

8 SECTION 2. IC 35-47-2-14.5 IS ADDED TO THE INDIANA  
9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2019]: Sec. 14.5. (a) A retail dealer shall  
11 conspicuously display at the site of the retail dealer's business a  
12 sign with the following language:

13 "IT IS UNLAWFUL FOR A:  
14 (1) CHILD CARE PROVIDER; OR  
15 (2) A CUSTODIAL PARENT, LEGAL GUARDIAN, OR  
16 GRANDPARENT;  
17 TO FAIL TO SECURE A LOADED FIREARM FROM



- 1           **ACCESSIBILITY BY A CHILD UNDER THE AGE OF**  
 2           **EIGHTEEN (18)."**
- 3           **(b) A retail dealer who knowingly or intentionally violates**  
 4           **subsection (a) commits a Class C infraction. However, the violation**  
 5           **is a Class A infraction if the retail dealer has a prior, unrelated**  
 6           **adjudication for the violation.**
- 7           SECTION 3. IC 35-47-4-9 IS ADDED TO THE INDIANA CODE  
 8           AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 9           1, 2019]: **Sec. 9. A person not in a place specifically set aside for the**  
 10           **discharge of a firearm who knowingly or intentionally discharges**  
 11           **a loaded firearm without legal justification while in a city or town**  
 12           **commits dangerous discharge of a firearm, a Level 6 felony.**
- 13           SECTION 4. IC 35-47-10-2.5 IS ADDED TO THE INDIANA  
 14           CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 15           [EFFECTIVE JULY 1, 2019]: **Sec. 2.5. As used in this chapter,**  
 16           **"ammunition" means any bullet, cartridge, projectile, or round**  
 17           **that is expelled from a firearm by means of an explosion.**
- 18           SECTION 5. IC 35-47-10-3.5 IS ADDED TO THE INDIANA  
 19           CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 20           [EFFECTIVE JULY 1, 2019]: **Sec. 3.5. As used in this chapter,**  
 21           **"child care provider" means a person who provides, for**  
 22           **compensation, child care or babysitting services for one (1) or**  
 23           **more children.**
- 24           SECTION 6. IC 35-47-10-4 IS AMENDED TO READ AS  
 25           FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4. As used in this**  
 26           **chapter, "loaded" means having any of the following:**
- 27           (1) A **bullet, cartridge, projectile, or round** in the **breech,**  
 28           **chamber, or cylinder of a firearm.**
- 29           (2) Ammunition in close proximity to a firearm so that a person  
 30           can readily place the ammunition in the firearm.
- 31           (3) **Ammunition housed, inserted, or stored inside the:**
- 32           **(A) fixed magazine; or**
- 33           **(B) magazine well;**
- 34           **of a firearm.**
- 35           SECTION 7. IC 35-47-10-4.7 IS ADDED TO THE INDIANA  
 36           CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 37           [EFFECTIVE JULY 1, 2019]: **Sec. 4.7. As used in this chapter,**  
 38           **"secure" means to prevent access to a loaded firearm by a child.**  
 39           **The term includes:**
- 40           **(1) placing or storing the firearm in a locked container; or**  
 41           **(2) temporarily rendering the firearm inoperable by:**  
 42           **(A) use of a trigger lock or comparable device; or**



- 1                   **(B) disassembling the firearm in a manner that prevents**  
 2                   **the operation of the firearm.**
- 3           SECTION 8. IC 35-47-10-7.5 IS ADDED TO THE INDIANA  
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2019]: **Sec. 7.5. (a) This section applies to:**
- 6           **(1) custodial:**  
 7                   **(A) parents;**  
 8                   **(B) legal guardians; or**  
 9                   **(C) grandparents;**  
 10           **of a child; and**  
 11           **(2) child care providers.**
- 12           **(b) A person who knowingly, intentionally, or recklessly fails to**  
 13 **secure a loaded firearm commits dangerous storage of a firearm,**  
 14 **a Class B infraction. However, the offense is a:**
- 15                   **(1) Class A misdemeanor if the person has a prior, unrelated**  
 16 **conviction or adjudication for the offense; or**  
 17                   **(2) Level 6 felony if:**  
 18                           **(A) the offense results in serious bodily injury or death; or**  
 19                           **(B) the person has two (2) or more prior, unrelated**  
 20 **convictions or adjudications for the offense.**
- 21           **(c) It is a defense to a prosecution under this section that one (1)**  
 22 **or more of the following conditions apply:**
- 23                   **(1) The child's possession of the firearm is described under**  
 24 **section 1 of this chapter.**  
 25                   **(2) The child's possession of the firearm occurred during a**  
 26 **lawful act of self-defense.**  
 27                   **(3) The child's possession of the firearm resulted from the**  
 28 **commission of an act that would be a criminal offense if**  
 29 **committed by an adult, including one (1) or more of the**  
 30 **following:**  
 31                           **(A) Burglary (IC 35-43-2-1).**  
 32                           **(B) Residential entry (IC 35-43-2-1.5).**  
 33                           **(C) Robbery (IC 35-42-5-1).**  
 34                           **(D) Theft (IC 35-43-4-2).**  
 35                           **(E) Criminal conversion (IC 35-43-4-3).**
- 36           **(d) Nothing in this chapter shall be construed to invalidate or**  
 37 **limit any civil immunity provided by IC 34-30-20-1.**

