

HOUSE BILL No. 1272

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2.

Synopsis: Handgun licensure and fees. Increases the duration of a four year handgun license to five years. Provides that an individual may simultaneously hold both a five year license and a lifetime license. Requires a law enforcement officer to whom an application for a handgun license is made to perform a national fingerprint based criminal history check and consult available local, state, and federal criminal history data banks, including the National Instant Criminal Background Check System (NICS), when determining whether possession of a firearm by an applicant would be a violation of state or federal law. Removes the fees for lifetime licenses beginning July 1, 2020.

Effective: July 1, 2019.

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January 10, 2019, read first time and referred to Committee on Public Policy.



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. 1272

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 35-47-2-3, AS AMENDED BY P.L.86-2018,
2 SECTION 335, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A person desiring a license
4 to carry a handgun shall apply:

- 5 (1) to the chief of police or corresponding law enforcement officer
- 6 of the municipality in which the applicant resides;
- 7 (2) if that municipality has no such officer, or if the applicant does
- 8 not reside in a municipality, to the sheriff of the county in which
- 9 the applicant resides after the applicant has obtained an
- 10 application form prescribed by the superintendent; or
- 11 (3) if the applicant is a resident of another state and has a regular
- 12 place of business or employment in Indiana, to the sheriff of the
- 13 county in which the applicant has a regular place of business or
- 14 employment.

15 The superintendent and local law enforcement agencies shall allow an
16 applicant desiring to obtain or renew a license to carry a handgun to
17 submit an application electronically under this chapter if funds are



1 available to establish and maintain an electronic application system.

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

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

7 (2) From a person applying for a lifetime handgun license who
8 does not currently possess a valid Indiana handgun license, a fifty
9 dollar (\$50) application fee, thirty dollars (\$30) of which shall be
10 refunded if the license is not issued. **After June 30, 2020, the law
11 enforcement agency shall not collect this fee.**

12 (3) From a person applying for a lifetime handgun license who
13 currently possesses a valid Indiana handgun license, a forty dollar
14 (\$40) application fee, thirty dollars (\$30) of which shall be
15 refunded if the license is not issued. **After June 30, 2020, the law
16 enforcement agency shall not collect this fee.**

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

26 (c) The officer to whom the application is made shall ascertain the
27 applicant's name, full address, length of residence in the community,
28 whether the applicant's residence is located within the limits of any city
29 or town, the applicant's occupation, place of business or employment,
30 criminal record, if any, and convictions (minor traffic offenses
31 excepted), age, race, sex, nationality, date of birth, citizenship, height,
32 weight, build, color of hair, color of eyes, scars and marks, whether the
33 applicant has previously held an Indiana license to carry a handgun
34 and, if so, the serial number of the license and year issued, whether the
35 applicant's license has ever been suspended or revoked, and if so, the
36 year and reason for the suspension or revocation, and the applicant's
37 reason for desiring a license. **If the applicant is not a United States
38 citizen, the officer to whom the application is made shall ascertain
39 the applicant's country of citizenship, place of birth, and any alien
40 or admission number issued by United States Immigration and
41 Custom Enforcement or any successor agency as applicable.** The
42 officer to whom the application is made shall conduct an investigation



1 into the applicant's official records and verify thereby the applicant's
 2 character and reputation, and shall in addition verify for accuracy the
 3 information contained in the application, and shall forward this
 4 information together with the officer's recommendation for approval or
 5 disapproval and one (1) set of legible and classifiable fingerprints of
 6 the applicant to the superintendent. **An investigation conducted under
 7 this section must include the performance of a national fingerprint
 8 based criminal history check and the consulting of available local,
 9 state, and federal criminal history data banks, including the
 10 National Instant Criminal Background Check System (NICS), to
 11 determine whether possession of a firearm by an applicant would
 12 be a violation of state or federal law.**

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

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

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

24 (A) a citizen of the United States; or

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

27 the superintendent shall issue to the applicant a qualified or an
 28 unlimited license to carry any handgun lawfully possessed by the
 29 applicant. The original license shall be delivered to the licensee. A
 30 copy shall be delivered to the officer to whom the application for
 31 license was made. A copy shall be retained by the superintendent for
 32 at least ~~four (4)~~ **five (5)** years in the case of a ~~four (4)~~ **five (5)** year
 33 license. The superintendent may adopt guidelines to establish a records
 34 retention policy for a lifetime license. A ~~four (4)~~ **five (5)** year license
 35 shall be valid for a period of ~~four (4)~~ **five (5)** years from the date of
 36 issue. A lifetime license is valid for the life of the individual receiving
 37 the license. The license of police officers, sheriffs or their deputies, and
 38 law enforcement officers of the United States government who have
 39 twenty (20) or more years of service shall be valid for the life of these
 40 individuals. However, a lifetime license is automatically revoked if the
 41 license holder does not remain a proper person.

42 (f) At the time a license is issued and delivered to a licensee under



1 subsection (e), the superintendent shall include with the license
2 information concerning handgun safety rules that:

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

5 (2) is:

6 (A) recommended by a nonprofit educational organization that
7 is dedicated to providing education on safe handling and use
8 of firearms;

9 (B) prepared by the state police department; and

10 (C) approved by the superintendent.

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

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

19 (1) has been convicted of a felony;

20 (2) has had a license to carry a handgun suspended, unless the
21 person's license has been reinstated;

22 (3) is under eighteen (18) years of age;

23 (4) is under twenty-three (23) years of age if the person has been
24 adjudicated a delinquent child for an act that would be a felony if
25 committed by an adult; ~~or~~

26 (5) has ~~been arrested~~ **pending charges** for a Class A or Class B
27 felony for an offense committed before July 1, 2014, for a Level
28 1, Level 2, Level 3, or Level 4 felony for an offense committed
29 after June 30, 2014, or any other felony that was committed while
30 armed with a deadly weapon or that involved the use of violence,
31 if a court has found probable cause to believe that the person
32 committed the offense charged; ~~or~~

33 **(6) is prohibited by federal law from possessing or receiving**
34 **firearms under 18 U.S.C. 922(g) through 18 U.S.C. 922(n).**

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

40 (h) If the law enforcement agency that charges a fee under
41 subsection (b) is a city or town law enforcement agency, the fee shall
42 be deposited in the law enforcement continuing education fund



1 established under IC 5-2-8-2.

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

4 (1) changes the person's name;

5 (2) changes the person's address; or

6 (3) experiences a change, including an arrest or a conviction, that
7 may affect the person's status as a proper person (as defined in
8 IC 35-47-1-7) or otherwise disqualify the person from holding a
9 license;

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

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

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

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

21 (2) expedite the processing of an application made by a person
22 described in section 2.1(b) of this chapter.

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

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

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

32 (A) obtain; or

33 (B) renew;

34 a license to carry a handgun.

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

38 (A) obtain; or

39 (B) renew;

40 a license to carry a handgun issued under this chapter.

41 (3) The name, address, and any other information that may be
42 used to identify a person who holds a license to carry a handgun



1 issued under this chapter.

2 (m) Notwithstanding subsection (l):

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

6 (A) for law enforcement purposes; or

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

8 and

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

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

17 SECTION 2. IC 35-47-2-4, AS AMENDED BY P.L.17-2017,
18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2019]: Sec. 4. (a) Licenses to carry handguns shall be either
20 qualified or unlimited, and are valid for:

21 (1) ~~four (4)~~ **five (5)** years from the date of issue in the case of a
22 ~~four (4)~~ **five (5)** year license; or

23 (2) the life of the individual receiving the license in the case of a
24 lifetime license.

25 A qualified license shall be issued for hunting and target practice. **An**
26 **individual may separately apply for and simultaneously hold both**
27 **a five (5) year license and a lifetime license.** The superintendent may
28 adopt rules imposing limitations on the use and carrying of handguns
29 under a license when handguns are carried by a licensee as a condition
30 of employment. Unlimited licenses shall be issued for the purpose of
31 the protection of life and property.

32 (b) **This subsection expires June 30, 2020.** In addition to the
33 application fee, the fee for:

34 (1) a qualified license shall be:

35 (A) five dollars (\$5) for a ~~four (4)~~ **five (5)** year qualified
36 license;

37 (B) twenty-five dollars (\$25) for a lifetime qualified license
38 from a person who does not currently possess a valid Indiana
39 handgun license; or

40 (C) twenty dollars (\$20) for a lifetime qualified license from
41 a person who currently possesses a valid Indiana handgun
42 license; and



1 (2) an unlimited license shall be:

2 (A) thirty dollars (\$30) for a ~~four (4)~~ **five (5)** year unlimited
3 license;

4 (B) seventy-five dollars (\$75) for a lifetime unlimited license
5 from a person who does not currently possess a valid Indiana
6 handgun license; or

7 (C) sixty dollars (\$60) for a lifetime unlimited license from a
8 person who currently possesses a valid Indiana handgun
9 license.

10 The superintendent shall charge a twenty dollar (\$20) fee for the
11 issuance of a duplicate license to replace a lost or damaged license.
12 These fees shall be deposited in accordance with subsection ~~(f)~~ **(g)**.

13 **(c) This subsection is effective July 1, 2020. In addition to the**
14 **application fee, the fee for:**

15 **(1) a qualified license shall:**

16 **(A) be five dollars (\$5) for a five (5) year qualified license;**

17 **(B) not be collected for a lifetime qualified license from a**
18 **person who does not currently possess a valid Indiana**
19 **handgun license; and**

20 **(C) not be collected for a lifetime qualified license from a**
21 **person who currently possesses a valid Indiana handgun**
22 **license; and**

23 **(2) an unlimited license shall:**

24 **(A) be thirty dollars (\$30) for a five (5) year unlimited**
25 **license;**

26 **(B) not be collected for a lifetime unlimited license from a**
27 **person who does not currently possess a valid Indiana**
28 **handgun license; and**

29 **(C) not be collected for a lifetime unlimited license from a**
30 **person who currently possesses a valid Indiana handgun**
31 **license.**

32 **The superintendent shall charge a twenty dollar (\$20) fee for the**
33 **issuance of a duplicate license to replace a lost or damaged license.**
34 **These fees shall be deposited in accordance with subsection (g).**

35 ~~(e)~~ **(d)** Licensed dealers are exempt from the payment of fees
36 specified in ~~subsection~~ **subsections (b) and (c)** for a qualified license
37 or an unlimited license.

38 ~~(d)~~ **(e)** The following officers of this state or the United States who
39 have been honorably retired by a lawfully created pension board or its
40 equivalent after at least twenty (20) years of service or because of a
41 disability are exempt from the payment of fees specified in subsection
42 **(b):**



- 1 (1) Police officers.
 2 (2) Sheriffs or their deputies.
 3 (3) Law enforcement officers.
 4 (4) Correctional officers.
- 5 ~~(e)~~ **(f)** The following officers described in section 3(e) of this
 6 chapter who have at least twenty (20) years of service are exempt from
 7 the payment of fees for a lifetime qualified license or a lifetime
 8 unlimited license specified in ~~subsection~~ **subsections (b) and (c):**
 9 (1) Police officers.
 10 (2) Sheriffs or their deputies.
 11 (3) Law enforcement officers of the United States government.
- 12 ~~(f)~~ **(g)** Fees collected under this section shall be deposited in the
 13 state general fund.
- 14 ~~(g)~~ **(h)** The superintendent may not issue a lifetime qualified license
 15 or a lifetime unlimited license to a person who is a resident of another
 16 state. The superintendent may issue a ~~four (4)~~ **five (5)** year qualified
 17 license or a ~~four (4)~~ **five (5)** year unlimited license to a person who is
 18 a resident of another state and who has a regular place of business or
 19 employment in Indiana as described in section 3(a)(3) of this chapter.
- 20 ~~(h)~~ **(i)** A person who knowingly or intentionally violates this section
 21 commits a Class B misdemeanor.
- 22 **(j) If the federal Bureau of Alcohol, Tobacco, Firearms and**
 23 **Explosives certifies the five (5) year license described under this**
 24 **section as a valid National Instant Criminal Background Check**
 25 **System (NICS) compliant background check for firearm**
 26 **purchases:**
 27 **(1) a five (5) year license issued under this section must**
 28 **conspicuously display the term "Brady Exempt"; and**
 29 **(2) a person bearing a valid license described in subdivision**
 30 **(1) is exempt from undergoing a:**
 31 **(A) state; or**
 32 **(B) federal;**
 33 **background check when purchasing a firearm.**

