

# SENATE BILL No. 321

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2-268.5; IC 35-47-10-7.

**Synopsis:** Firearms storage. Defines the term "reasonable effort". Provides that a parent or legal guardian of a child who makes a reasonable effort to prevent a child from accessing or possessing a firearm is exempt from the statute concerning dangerous control of a child. Makes a technical correction. Makes conforming amendments.

**Effective:** July 1, 2019.

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## Merritt

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January 7, 2019, read first time and referred to Committee on Judiciary.

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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.

## SENATE BILL No. 321

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 35-31.5-2-268.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2019]: **Sec. 268.5. "Reasonable effort", for**  
4 **purposes of IC 35-47-10-7, has the meaning set forth in**  
5 **IC 35-47-10-7(a).**

6 SECTION 2. IC 35-47-10-7, AS AMENDED BY P.L.158-2013,  
7 SECTION 604, IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) **As used in this section,**  
9 **"reasonable effort" means a good faith effort to prevent the access**  
10 **or possession of a firearm by a child. The term includes rendering**  
11 **a firearm inoperable.**

12 (b) **This section does not apply to a child's parent or legal**  
13 **guardian who makes a reasonable effort to secure a firearm.**

14 (c) A child's parent or legal guardian who knowingly, intentionally,  
15 or recklessly permits the child to possess a firearm:

16 (1) while:  
17 (A) aware of a substantial risk that the child will use the



1 firearm to commit a felony **or commit an act that would**  
2 **constitute a felony if the child were an adult;** and  
3 (B) failing to make reasonable efforts to prevent the use of a  
4 firearm by the child to commit a felony **or commit an act that**  
5 **would constitute a felony if the child were an adult;** or  
6 (2) when the child has been convicted of a crime of violence or  
7 has been adjudicated as a juvenile for an offense that would  
8 constitute a crime of violence if the child were an adult;  
9 commits dangerous control of a child, a Level 5 felony. However, the  
10 offense is a Level 4 felony if the child's parent or legal guardian has a  
11 prior conviction under this section.

