

HOUSE BILL No. 1029

DIGEST OF INTRODUCED BILL

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

Synopsis: Secure firearms storage for dealers. Defines the following terms as related to the secure storage of firearms: (1) "Firearm". (2) "Receiver". (3) "Securely store". Amends the statutory definition of "dealer" to include any person who holds himself or herself out as a buyer and seller of firearms on a regular and continuing basis. Requires a dealer to securely store any firearm in or on the premises of the dealer's fixed place of business during nonbusiness hours. Provides that a dealer who knowingly or intentionally fails to securely store a firearm located in or on the premises of the dealer's fixed place of business during nonbusiness hours commits a Class B infraction. Enhances the offense to a: (1) Class A infraction if the dealer has a prior unrelated adjudication for the offense; or (2) Class A misdemeanor if the dealer has two or more prior unrelated adjudications or convictions for the offense. Prohibits certain defenses. Makes conforming amendments.

Effective: July 1, 2020.

Burton

January 6, 2020, read first time and referred to Committee on Public Policy.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1029

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 35-31.5-2-87, AS AMENDED BY P.L.13-2013,
2 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 87. (a) "Dealer", for purposes of IC 35-43-4-2.3,
4 has the meaning set forth in IC 35-43-4-2.3(a).
5 (b) **Except as otherwise provided**, "dealer", for purposes of
6 IC 35-47, has the meaning set forth in IC 35-47-1-3.
7 (c) "Dealer", for purposes of IC 35-47-2.5, includes any person
8 licensed under 18 U.S.C. 923, as set forth in IC 35-47-2.5-2.
9 (d) **"Dealer", for purposes of IC 35-47-2.7, has the meaning set**
10 **forth in IC 35-47-1-3.**
11 SECTION 2. IC 35-31.5-2-133, AS ADDED BY P.L.114-2012,
12 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2020]: Sec. 133. (a) Except as provided in ~~subsection~~
14 **subsections (b) and (c)**, "firearm", for purposes of IC 35-47, has the
15 meaning set forth in IC 35-47-1-5.
16 (b) **"Firearm", for purposes of IC 35-47-2.7, has the meaning set**
17 **forth in IC 35-47-2.7-2.**



1 **(b) (c) "Firearm"**, for purposes of IC 35-47-15, has the meaning set
2 forth in IC 35-47-15-1.

3 **(e) (d) "Firearm"**, for purposes of IC 35-50-2-11, has the meaning
4 set forth in IC 35-50-2-11(a).

5 SECTION 3. IC 35-31.5-2-267.5 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2020]: **Sec. 267.5. "Receiver", for purposes**
8 **of IC 35-47-2.7, has the meaning set forth in IC 35-47-2.7-3.**

9 SECTION 4. IC 35-31.5-2-288.5 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2020]: **Sec. 288.5. "Securely store", for**
12 **purposes of IC 35-47-2.7, has the meaning set forth in**
13 **IC 35-47-2.7-4.**

14 SECTION 5. IC 35-47-1-3 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. **(a) Except as**
16 **provided in subsection (b), "dealer" means any person who holds**
17 **himself or herself out as a buyer and seller of handguns on a regular**
18 **and continuing basis.**

19 **(b) "Dealer", for purposes of IC 35-47-2.7, means any person**
20 **who holds himself or herself out as a buyer and seller of firearms**
21 **on a regular and continuing basis.**

22 SECTION 6. IC 35-47-1-5, AS AMENDED BY P.L.3-2008,
23 SECTION 254, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2020]: Sec. 5. **(a) Except as provided in**
25 **subsection (b), "firearm" means any weapon:**

26 (1) that is:

27 (A) capable of expelling; or

28 (B) designed to expel; or

29 (2) that may readily be converted to expel;
30 a projectile by means of an explosion.

31 **(b) "Firearm", for purpose of IC 35-47-2.7, has the meaning set**
32 **forth in IC 35-47-2.7-2.**

33 SECTION 7. IC 35-47-1-8.5 IS ADDED TO THE INDIANA CODE
34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
35 1, 2020]: **Sec. 8.5. "Receiver", for purposes of IC 35-47-2.7, has the**
36 **meaning set forth in IC 35-47-2.7-3.**

37 SECTION 8. IC 35-47-1-10.5 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2020]: **Sec. 10.5. "Securely store", for**
40 **purposes of IC 35-47-2.7, has the meaning set forth in**
41 **IC 35-47-2.7-4.**

42 SECTION 9. IC 35-47-2.7 IS ADDED TO THE INDIANA CODE



1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2020]:

3 **Chapter 2.7. Secure Storage of Firearms**

4 **Sec. 1. This chapter applies to a dealer.**

5 **Sec. 2. As used in this chapter, "firearm" means:**

6 (1) any weapon:

7 (A) that is:

8 (i) capable of expelling; or

9 (ii) designed to expel; or

10 (B) that may readily be converted to expel;

11 a projectile by means of an explosion; or

12 (2) the receiver of a firearm.

13 **Sec. 3. As used in this chapter, "receiver" means any firearm**
14 **part or combination of firearm parts that feature, house, or**
15 **provide for the attachment or installation of one (1) or more of the**
16 **following firearm components:**

17 (1) The hammer.

18 (2) The bolt.

19 (3) The breechblock.

20 (4) The firing pin.

21 (5) The extractor.

22 (6) The:

23 (A) trigger;

24 (B) trigger guard;

25 (C) trigger assembly; or

26 (D) trigger mechanism.

27 **Sec. 4. As used in this chapter, "securely store" means either of**
28 **the following:**

29 (1) To store a firearm in a safe, cabinet, display case, security
30 case, container, room, or location that:

31 (A) prevents unauthorized access to any firearm stored
32 inside the safe, cabinet, display case, security case,
33 container, room, or location by means of a lock;

34 (B) protects or shields the lock described in clause (A) from
35 the use of a bolt cutter or similar tool;

36 (C) is hardened, reinforced, or of sufficient thickness to
37 prevent unauthorized access to the contents of the safe,
38 cabinet, display case, security case, container, room, or
39 location by means of a tool designed to break, cut, open,
40 puncture, shatter, spread, or otherwise force entry or
41 access;

42 (D) is permanently attached, affixed, or anchored to the



1 premises of the dealer's fixed place of business in a manner
 2 that prevents the removal or transportation of the safe,
 3 cabinet, display case, security case, container, room, or
 4 location from the premises of the dealer's fixed place of
 5 business; and

6 (E) is monitored by a security system that:

7 (i) is connected to an alarm monitoring service or law
 8 enforcement agency; and

9 (ii) alerts the appropriate alarm monitoring service or
 10 law enforcement agency in the event of unauthorized
 11 access to the monitored safe, cabinet, display case,
 12 security case, container, room, or location.

13 (2) To insert or thread a security cable or security rod
 14 through the magazine well, trigger guard, or breech of a
 15 firearm:

16 (A) in a manner that prevents the firearm from being
 17 separated from the security cable or security rod;

18 (B) of sufficient thickness or strength to prevent the cutting
 19 or severing of the security cable or security rod;

20 (C) that is permanently attached, affixed, or anchored to
 21 the premises of the dealer's fixed place of business in a
 22 manner that prevents a firearm threaded to the security
 23 cable or security rod from being removed or transported
 24 to another location; and

25 (D) in a location within the dealer's fixed place of business
 26 that is monitored by a security system that:

27 (i) is connected to an alarm monitoring service or law
 28 enforcement agency; and

29 (ii) alerts the appropriate alarm monitoring service or
 30 law enforcement agency in the event of unauthorized
 31 access to any area where a firearm is secured by a
 32 security cable or security rod.

33 Sec. 5. (a) A dealer must securely store each firearm in or on the
 34 licensed premises of the dealer's fixed place of business during
 35 nonbusiness hours.

36 (b) A dealer who fails to comply with subsection (a) commits
 37 unsecure storage of a firearm, a Class B infraction. However, the
 38 offense is a:

39 (1) Class A infraction if the dealer has one (1) prior unrelated
 40 adjudication for the offense; or

41 (2) Class A misdemeanor if the dealer has two (2) or more
 42 prior unrelated adjudications or convictions for the offense.



1 **Sec. 6. It is not a defense to a prosecution under section 5 of this**
2 **chapter that a firearm was inoperable, unloaded, or in a state of**
3 **disassembly at the time of the unsecure storage.**
4 **Sec. 7. Nothing in this chapter shall be construed to abrogate,**
5 **limit, or modify any right, privilege, or immunity codified in:**
6 **(1) IC 34-28-7 (concerning the possession of firearms and**
7 **ammunition in locked vehicles); or**
8 **(2) IC 34-30-20-1 (concerning owner immunity for misuse of**
9 **a firearm by a person who acquires the firearm by criminal**
10 **act).**

