

SENATE BILL No. 203

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47.

Synopsis: Firearms. Prohibits the: (1) sale; (2) trade; or (3) transfer; of a regulated weapon to a person less than 21 years of age. Provides that a dealer or person who knowingly or intentionally: (1) sells; (2) trades; or (3) transfers; a regulated weapon to a person less than 21 years of age commits a Level 6 felony. Provides certain defenses. Prohibits a person from possessing, selling, or offering for sale a magazine or similar device for a firearm with a capacity of more than 10 rounds of ammunition. Provides that a person who: (1) knowingly; or (2) intentionally; openly carries a prohibited weapon in a public place commits carrying a prohibited firearm, a Class A misdemeanor. Creates the crime of "unlawful possession of a multiburst trigger activator". Provides that the possession or sale of a multiburst trigger activator is a Class A misdemeanor. Provides that the crime of unlawful possession of a multiburst trigger activator is a Level 6 felony if the person has a prior, unrelated conviction for the offense.

Effective: July 1, 2020.

Taylor G

January 6, 2020, read first time and referred to Committee on Corrections and Criminal Law.



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.

SENATE BILL No. 203

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 35-47-2.5-12.5 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2020]: **Sec. 12.5. (a) This section does not**
- 4 **apply to a person who provides a regulated weapon in compliance**
- 5 **with IC 35-47-10 (governing children and firearms).**
- 6 **(b) The following definitions apply throughout this section:**
- 7 **(1) "Action" means any mechanism on a firearm responsible**
- 8 **for one (1) or more of the following:**
- 9 **(A) Loading a cartridge.**
- 10 **(B) Locking a cartridge.**
- 11 **(C) Firing a cartridge.**
- 12 **(D) Ejecting or extracting a cartridge.**
- 13 **(2) "Centerfire rifle" means a rifle capable of firing a**
- 14 **projectile from a metallic cartridge containing the primer in**
- 15 **the center of the cartridge case head.**
- 16 **(3) "Magazine" means any ammunition feeding and storage**
- 17 **device within or attachable to a firearm.**



1 (4) "Regulated weapon" means a semiautomatic, centerfire
 2 rifle with an internal magazine or the capability to accept a
 3 detachable magazine and at least one (1) of the following
 4 characteristics:

5 (A) A pistol grip that protrudes beneath the action of the
 6 weapon.

7 (B) A thumb hole stock.

8 (C) A folding or telescoping stock.

9 (D) A mount or lug capable of accepting or affixing a:

10 (i) bayonet;

11 (ii) flare launcher; or

12 (iii) grenade launcher.

13 (E) A flash suppressor.

14 (F) A forward pistol grip.

15 (5) "Rifle" means a weapon intended to be fired from the
 16 shoulder and:

17 (A) designed or redesigned; or

18 (B) made or remade;

19 to use the energy of an explosive in a fixed metallic cartridge
 20 to fire a single projectile through a rifled bore or barrel.

21 (6) "Semiautomatic" means any action that:

22 (A) uses a portion of the energy of a firing cartridge to
 23 extract the fired cartridge case and chamber the next
 24 cartridge; and

25 (B) requires a separate pull of the trigger to fire each
 26 cartridge.

27 (c) A dealer or person may not sell, trade, or transfer a
 28 regulated weapon to a person who is less than twenty-one (21)
 29 years of age.

30 (d) A dealer or person who knowingly or intentionally violates
 31 this section commits unlawful transfer of a regulated weapon, a
 32 Level 6 felony.

33 (e) It is a defense to a prosecution under subsection (c) that the
 34 dealer or person responsible for the sale, trade, or transfer of the
 35 regulated weapon reasonably believed the recipient of the
 36 regulated weapon to be at least twenty-one (21) years of age at the
 37 time of the sale, trade, or transfer.

38 SECTION 2. IC 35-47-4-9 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2020]: Sec. 9. (a) The following definitions apply throughout this
 41 section:

42 (1) "Centerfire rifle" means a rifle capable of firing a



1 projectile from a metallic cartridge containing the primer in
2 the center of the cartridge case head.

3 (2) "Magazine" means any ammunition feeding and storage
4 device within or attachable to a firearm.

5 (3) "Openly carries" means the carrying of a prohibited
6 weapon on or about one's person in a manner that exposes or
7 presents any part of a firearm to the plain view of an
8 individual passing by from more than one (1) angle.

9 (4) "Prohibited weapon" means a semiautomatic, centerfire
10 rifle with an internal magazine or the capability to accept a
11 detachable magazine and at least one (1) of the following
12 characteristics:

13 (A) A pistol grip that protrudes beneath the action of the
14 weapon.

15 (B) A thumb hole stock.

16 (C) A folding or telescoping stock.

17 (D) A mount or lug capable of accepting or affixing a:

18 (i) bayonet;

19 (ii) flare launcher; or

20 (iii) grenade launcher.

21 (E) A flash suppressor.

22 (F) A forward pistol grip.

23 (5) "Public place" means a place that is:

24 (A) accessible to the public; and

25 (B) open to common and general use, participation, and
26 enjoyment.

27 (6) "Rifle" means a weapon intended to be fired from the
28 shoulder and:

29 (A) designed or redesigned; or

30 (B) made or remade;

31 to use the energy of an explosive in a fixed metallic cartridge
32 to fire a single projectile through a rifled bore.

33 (b) This section does not apply to the following individuals:

34 (1) Law enforcement officers while acting within the scope of
35 their official duties.

36 (2) Active duty members of the armed forces of the United
37 States while acting within the scope of their official duties.

38 (3) Any person who carries a prohibited weapon while on
39 property that is owned, leased, rented, or otherwise legally
40 controlled by the person.

41 (4) Any person who carries a prohibited weapon while
42 lawfully present on property that is owned, leased, rented, or



1 otherwise legally controlled by another person, if the person:

2 (A) has the consent of the lessor, owner, renter, or person
3 who legally controls the property to have the prohibited
4 weapon on the premises;

5 (B) is attending a firearms related event on the property,
6 including a gun show, firearms expo, gun owner's club or
7 convention, hunting club, shooting club, or training course;
8 or

9 (C) is on the property to receive firearms related services,
10 including the repair, maintenance, or modification of the
11 prohibited weapon.

12 (5) Any person who carries a prohibited weapon in a vehicle
13 that is owned, leased, rented, or otherwise legally controlled
14 by the person, if the prohibited weapon is:

15 (A) unloaded;

16 (B) not readily accessible; and

17 (C) secured in a case.

18 (6) Any person who carries a prohibited weapon while
19 lawfully present in a vehicle that is leased, owned, rented, or
20 otherwise legally controlled by another person and the
21 prohibited weapon is:

22 (A) unloaded;

23 (B) not readily accessible; and

24 (C) secured in a case.

25 (7) Any person who carries a prohibited weapon while:

26 (A) at a shooting range (as defined in IC 14-22-31.5-3);

27 (B) attending a firearms instructional course; or

28 (C) engaged in a legal hunting activity.

29 (8) Any person who:

30 (A) is required to carry, handle, or transport a prohibited
31 weapon as a result of commercial or professional
32 responsibilities; and

33 (B) acts within the scope of the person's commercial or
34 professional responsibilities at the time the person openly
35 carries the prohibited weapon.

36 (c) It is not a defense to a prosecution under this section that the
37 prohibited weapon was:

38 (1) inoperable; or

39 (2) unloaded;

40 at the time of arrest.

41 (d) Except as provided in subsection (b), a person who:

42 (1) knowingly; or



1 **(2) intentionally;**
 2 **openly carries a prohibited weapon while present in a public place**
 3 **commits carrying a prohibited firearm, a Class A misdemeanor.**
 4 **However, the offense is a Level 6 felony if the person has a prior,**
 5 **unrelated conviction under this section.**

6 SECTION 3. IC 35-47-4-10 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2020]: **Sec. 10. (a) As used in this section, "multiburst trigger**
 9 **activator" means any device that directly or indirectly depresses,**
 10 **operates, or pulls the trigger of a firearm at a rate or speed that is**
 11 **greater than the rate or speed of unaided, successive trigger**
 12 **depressions, operations, or pulls. The term includes the following:**

- 13 **(1) A bump stock.**
 14 **(2) A trigger crank.**
 15 **(3) A hellfire trigger or hellfire trigger assembly.**

16 **(b) A person who knowingly or intentionally:**

- 17 **(1) offers for sale; or**
 18 **(2) possesses;**

19 **a multiburst trigger activator commits the crime of unlawful**
 20 **possession of a multiburst trigger activator, a Class A**
 21 **misdemeanor. However, the offense is a Level 6 felony if the person**
 22 **has a prior conviction under this section.**

23 **(c) It is not a defense to a prosecution under this section that the**
 24 **multiburst trigger activator is:**

- 25 **(1) not affixed to or installed in a firearm; or**
 26 **(2) affixed to or installed in a disassembled, inoperable, or**
 27 **unloaded firearm.**

28 SECTION 4. IC 35-47-5.5 IS ADDED TO THE INDIANA CODE
 29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2020]:

31 **Chapter 5.5. Large Capacity Ammunition Feeding Devices**

32 **Sec. 1. (a) Section 3 of this chapter does not apply to a person**
 33 **allowed by federal law to engage in the business of manufacturing,**
 34 **assembling, conducting research on, or testing large capacity**
 35 **ammunition feeding devices while acting within the scope of the**
 36 **person's business.**

37 **(b) Section 4 of this chapter does not apply to the following:**

- 38 **(1) A member of the:**
 39 **(A) armed forces of the United States;**
 40 **(B) Indiana Army National Guard; or**
 41 **(C) Indiana Air National Guard;**

42 **while the member is on duty or drilling.**



- 1 (2) A federal, state, or local law enforcement officer acting
2 within the scope of the law enforcement officer's official
3 duties.
- 4 (3) A person allowed by federal law to engage in the business
5 of manufacturing, assembling, conducting research on, or
6 testing large capacity ammunition feeding devices while
7 acting within the scope of the person's business.
- 8 (4) A person who otherwise may possess large capacity
9 ammunition feeding devices under federal law.
- 10 Sec. 2. As used in this chapter, "large capacity ammunition
11 feeding device" means a magazine, belt, drum, feed strip, or
12 similar device that:
- 13 (1) has a capacity of; or
14 (2) can be readily restored or converted to accept;
15 more than ten (10) rounds of ammunition.
- 16 Sec. 3. Except as provided in section 1(a) of this chapter, a
17 person who knowingly or intentionally:
- 18 (1) sells; or
19 (2) offers or displays for sale;
20 a large capacity ammunition feeding device for a firearm commits
21 a Level 5 felony.
- 22 Sec. 4. Except as provided in section 1(b) of this chapter, a
23 person who knowingly or intentionally possesses a large capacity
24 ammunition feeding device for a firearm commits a Class A
25 misdemeanor.

