

# HOUSE BILL No. 1460

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-3-10; IC 3-7-18-2; IC 5-2-1-9; IC 11-9-2-4; IC 11-13-1-3.5; IC 14-16-1-23; IC 21-17-5-6; IC 21-39-4-7; IC 31-30-1-4; IC 35-31.5-2-78; IC 35-33-1-1; IC 35-47; IC 35-50-2-13.

**Synopsis:** Possession of firearms. Repeals the law that requires a person to obtain a license to carry a handgun in Indiana. Specifies that certain persons who are not otherwise prohibited from carrying or possessing a handgun are not required to obtain or possess a license or permit from the state to carry a handgun in Indiana. Prohibits certain individuals from knowingly or intentionally carrying a handgun. Creates the crime of "unlawful carrying of a handgun". Provides that a prohibited person who knowingly or intentionally carries a handgun commits a Class A misdemeanor. Specifies that the unlawful carrying of a handgun is a Level 4 felony when a person: (1) is less than 23 years of age; and (2) has an adjudication as a delinquent child for an act described by IC 35-47-4-5 (unlawful possession of a firearm by a serious violent felon). Allows a resident of Indiana who wishes to carry a firearm in another state under a reciprocity agreement entered into by Indiana and the other state to obtain from the superintendent of the state police department a reciprocity license. Requires law enforcement agencies to make use of certain data bases when issuing reciprocity licenses. Makes conforming amendments.

**Effective:** July 1, 2021.

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## Borders

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January 14, 2021, read first time and referred to Committee on Public Policy.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

# HOUSE BILL No. 1460

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 2-3-10-2, AS ADDED BY P.L.181-2017,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 2. A member of the general assembly who  
4 (1) ~~possesses a valid Indiana license to carry a handgun; and~~  
5 (2) is otherwise permitted to possess a handgun  
6 has the right to carry a handgun within the state capitol building and on  
7 the property of the ~~state capitol complex~~. **Indiana government center**  
8 **campus.**  
9 SECTION 2. IC 2-3-10-3, AS ADDED BY P.L.181-2017,  
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2021]: Sec. 3. (a) Subject to governing authority rules and  
12 policies concerning personnel practices, a member of the professional  
13 staff of the general assembly who  
14 (1) ~~possesses a valid Indiana license to carry a handgun; and~~  
15 (2) is otherwise permitted to possess a handgun  
16 has the right to carry a handgun within the state capitol building and on  
17 the property of the ~~state capitol complex~~. **Indiana government center**



1 **campus.**

2 (b) A member of the Indiana lobby registration commission  
3 established under IC 2-7-1.6-1 who

4 ~~(1) possesses a valid Indiana license to carry a handgun; and~~

5 ~~(2) is otherwise permitted to possess a handgun~~

6 has the right to carry a handgun within the state capitol building and on  
7 the property of the ~~state capitol complex.~~ **Indiana government center**

8 **campus.**

9 SECTION 3. IC 3-7-18-2, AS AMENDED BY P.L.107-2019,  
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2021]: Sec. 2. (a) Except as provided in subsection (b) and as  
12 provided in 52 U.S.C. 20506(a)(4)(A)(i) and 52 U.S.C. 20506(a)(6)(A),  
13 an agency designated under IC 3-7-19 (board of registration offices),  
14 IC 3-7-20.5 (unemployment compensation offices and law enforcement  
15 offices), and IC 3-7-21 (additional designated voter registration offices)  
16 shall distribute a voter registration form prescribed under this chapter  
17 to each person applying for assistance from the agency whenever the  
18 applicant:

19 (1) applies for service or assistance;

20 (2) applies for recertification or renewal of services or assistance;

21 or

22 (3) submits a change of address form relating to the service or  
23 assistance;

24 unless the applicant declines in writing to register to vote.

25 (b) A law enforcement agency is not required to distribute the voter  
26 registration form described under subsection (a) unless a person is  
27 applying for a ~~license to carry a handgun~~ **reciprocity license** under  
28 IC 35-47-2-3.

29 SECTION 4. IC 5-2-1-9, AS AMENDED BY P.L.86-2018,  
30 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2021]: Sec. 9. (a) The board shall adopt in accordance with  
32 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.  
33 The rules, which shall be adopted only after necessary and proper  
34 investigation and inquiry by the board, shall include the establishment  
35 of the following:

36 (1) Minimum standards of physical, educational, mental, and  
37 moral fitness which shall govern the acceptance of any person for  
38 training by any law enforcement training school or academy  
39 meeting or exceeding the minimum standards established  
40 pursuant to this chapter.

41 (2) Minimum standards for law enforcement training schools  
42 administered by towns, cities, counties, law enforcement training



- 1 centers, agencies, or departments of the state.
- 2 (3) Minimum standards for courses of study, attendance  
3 requirements, equipment, and facilities for approved town, city,  
4 county, and state law enforcement officer, police reserve officer,  
5 and conservation reserve officer training schools.
- 6 (4) Minimum standards for a course of study on cultural diversity  
7 awareness, including training on the U nonimmigrant visa created  
8 through the federal Victims of Trafficking and Violence  
9 Protection Act of 2000 (P.L. 106-386) that must be required for  
10 each person accepted for training at a law enforcement training  
11 school or academy. Cultural diversity awareness study must  
12 include an understanding of cultural issues related to race,  
13 religion, gender, age, domestic violence, national origin, and  
14 physical and mental disabilities.
- 15 (5) Minimum qualifications for instructors at approved law  
16 enforcement training schools.
- 17 (6) Minimum basic training requirements which law enforcement  
18 officers appointed to probationary terms shall complete before  
19 being eligible for continued or permanent employment.
- 20 (7) Minimum basic training requirements which law enforcement  
21 officers appointed on other than a permanent basis shall complete  
22 in order to be eligible for continued employment or permanent  
23 appointment.
- 24 (8) Minimum basic training requirements which law enforcement  
25 officers appointed on a permanent basis shall complete in order  
26 to be eligible for continued employment.
- 27 (9) Minimum basic training requirements for each person  
28 accepted for training at a law enforcement training school or  
29 academy that include six (6) hours of training in interacting with:  
30 (A) persons with autism, mental illness, addictive disorders,  
31 intellectual disabilities, and developmental disabilities;  
32 (B) missing endangered adults (as defined in IC 12-7-2-131.3);  
33 and  
34 (C) persons with Alzheimer's disease or related senile  
35 dementia;
- 36 to be provided by persons approved by the secretary of family and  
37 social services and the board. The training must include an  
38 overview of the crisis intervention teams.
- 39 (10) Minimum standards for a course of study on human and  
40 sexual trafficking that must be required for each person accepted  
41 for training at a law enforcement training school or academy and  
42 for inservice training programs for law enforcement officers. The



- 1 course must cover the following topics:
- 2 (A) Examination of the human and sexual trafficking laws (IC  
3 35-42-3.5).
- 4 (B) Identification of human and sexual trafficking.
- 5 (C) Communicating with traumatized persons.
- 6 (D) Therapeutically appropriate investigative techniques.
- 7 (E) Collaboration with federal law enforcement officials.
- 8 (F) Rights of and protections afforded to victims.
- 9 (G) Providing documentation that satisfies the Declaration of  
10 Law Enforcement Officer for Victim of Trafficking in Persons  
11 (Form I-914, Supplement B) requirements established under  
12 federal law.
- 13 (H) The availability of community resources to assist human  
14 and sexual trafficking victims.
- 15 (b) A law enforcement officer appointed after July 5, 1972, and  
16 before July 1, 1993, may not enforce the laws or ordinances of the state  
17 or any political subdivision unless the officer has, within one (1) year  
18 from the date of appointment, successfully completed the minimum  
19 basic training requirements established under this chapter by the board.  
20 If a person fails to successfully complete the basic training  
21 requirements within one (1) year from the date of employment, the  
22 officer may not perform any of the duties of a law enforcement officer  
23 involving control or direction of members of the public or exercising  
24 the power of arrest until the officer has successfully completed the  
25 training requirements. This subsection does not apply to any law  
26 enforcement officer appointed before July 6, 1972, or after June 30,  
27 1993.
- 28 (c) Military leave or other authorized leave of absence from law  
29 enforcement duty during the first year of employment after July 6,  
30 1972, shall toll the running of the first year, which shall be calculated  
31 by the aggregate of the time before and after the leave, for the purposes  
32 of this chapter.
- 33 (d) Except as provided in subsections (e), (m), (t), and (u), a law  
34 enforcement officer appointed to a law enforcement department or  
35 agency after June 30, 1993, may not:
- 36 (1) make an arrest;
- 37 (2) conduct a search or a seizure of a person or property; or
- 38 (3) carry a firearm;
- 39 unless the law enforcement officer successfully completes, at a board  
40 certified law enforcement academy or at a law enforcement training  
41 center under section 10.5 or 15.2 of this chapter, the basic training  
42 requirements established by the board under this chapter.



1 (e) This subsection does not apply to:

2 (1) a gaming agent employed as a law enforcement officer by the  
3 Indiana gaming commission; or

4 (2) an:

5 (A) attorney; or

6 (B) investigator;

7 designated by the securities commissioner as a police officer of  
8 the state under IC 23-19-6-1(k).

9 Before a law enforcement officer appointed after June 30, 1993,  
10 completes the basic training requirements, the law enforcement officer  
11 may exercise the police powers described in subsection (d) if the  
12 officer successfully completes the pre-basic course established in  
13 subsection (f). Successful completion of the pre-basic course authorizes  
14 a law enforcement officer to exercise the police powers described in  
15 subsection (d) for one (1) year after the date the law enforcement  
16 officer is appointed.

17 (f) The board shall adopt rules under IC 4-22-2 to establish a  
18 pre-basic course for the purpose of training:

19 (1) law enforcement officers;

20 (2) police reserve officers (as described in IC 36-8-3-20); and

21 (3) conservation reserve officers (as described in IC 14-9-8-27);

22 regarding the subjects of arrest, search and seizure, the lawful use of  
23 force, interacting with individuals with autism, and the operation of an  
24 emergency vehicle. The pre-basic course must be offered on a periodic  
25 basis throughout the year at regional sites statewide. The pre-basic  
26 course must consist of at least forty (40) hours of course work. The  
27 board may prepare the classroom part of the pre-basic course using  
28 available technology in conjunction with live instruction. The board  
29 shall provide the course material, the instructors, and the facilities at  
30 the regional sites throughout the state that are used for the pre-basic  
31 course. In addition, the board may certify pre-basic courses that may be  
32 conducted by other public or private training entities, including  
33 postsecondary educational institutions.

34 (g) Subject to subsection (h), the board shall adopt rules under  
35 IC 4-22-2 to establish a mandatory inservice training program for  
36 police officers and police reserve officers (as described in  
37 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has  
38 satisfactorily completed basic training and has been appointed to a law  
39 enforcement department or agency on either a full-time or part-time  
40 basis is not eligible for continued employment unless the officer  
41 satisfactorily completes the mandatory inservice training requirements  
42 established by rules adopted by the board. Inservice training must



1 include training in interacting with persons with mental illness,  
2 addictive disorders, intellectual disabilities, autism, developmental  
3 disabilities, and Alzheimer's disease or related senile dementia, to be  
4 provided by persons approved by the secretary of family and social  
5 services and the board, and training concerning human and sexual  
6 trafficking and high risk missing persons (as defined in IC 5-2-17-1).  
7 The board may approve courses offered by other public or private  
8 training entities, including postsecondary educational institutions, as  
9 necessary in order to ensure the availability of an adequate number of  
10 inservice training programs. The board may waive an officer's inservice  
11 training requirements if the board determines that the officer's reason  
12 for lacking the required amount of inservice training hours is due to  
13 either an emergency situation or the unavailability of courses.

14 (h) This subsection applies only to a mandatory inservice training  
15 program under subsection (g). Notwithstanding subsection (g), the  
16 board may, without adopting rules under IC 4-22-2, modify the course  
17 work of a training subject matter, modify the number of hours of  
18 training required within a particular subject matter, or add a new  
19 subject matter, if the board satisfies the following requirements:

- 20 (1) The board must conduct at least two (2) public meetings on  
21 the proposed modification or addition.  
22 (2) After approving the modification or addition at a public  
23 meeting, the board must post notice of the modification or  
24 addition on the Indiana law enforcement academy's Internet web  
25 site at least thirty (30) days before the modification or addition  
26 takes effect.

27 If the board does not satisfy the requirements of this subsection, the  
28 modification or addition is void. This subsection does not authorize the  
29 board to eliminate any inservice training subject matter required under  
30 subsection (g).

31 (i) The board shall also adopt rules establishing a town marshal  
32 basic training program, subject to the following:

- 33 (1) The program must require fewer hours of instruction and class  
34 attendance and fewer courses of study than are required for the  
35 mandated basic training program.  
36 (2) Certain parts of the course materials may be studied by a  
37 candidate at the candidate's home in order to fulfill requirements  
38 of the program.  
39 (3) Law enforcement officers successfully completing the  
40 requirements of the program are eligible for appointment only in  
41 towns employing the town marshal system (IC 36-5-7) and having  
42 not more than one (1) marshal and two (2) deputies.



- 1 (4) The limitation imposed by subdivision (3) does not apply to an  
 2 officer who has successfully completed the mandated basic  
 3 training program.
- 4 (5) The time limitations imposed by subsections (b) and (c) for  
 5 completing the training are also applicable to the town marshal  
 6 basic training program.
- 7 (6) The program must require training in interacting with  
 8 individuals with autism.
- 9 (j) The board shall adopt rules under IC 4-22-2 to establish an  
 10 executive training program. The executive training program must  
 11 include training in the following areas:
- 12 (1) Liability.
- 13 (2) Media relations.
- 14 (3) Accounting and administration.
- 15 (4) Discipline.
- 16 (5) Department policy making.
- 17 (6) Lawful use of force.
- 18 (7) Department programs.
- 19 (8) Emergency vehicle operation.
- 20 (9) Cultural diversity.
- 21 (k) A police chief shall apply for admission to the executive training  
 22 program within two (2) months of the date the police chief initially  
 23 takes office. A police chief must successfully complete the executive  
 24 training program within six (6) months of the date the police chief  
 25 initially takes office. However, if space in the executive training  
 26 program is not available at a time that will allow completion of the  
 27 executive training program within six (6) months of the date the police  
 28 chief initially takes office, the police chief must successfully complete  
 29 the next available executive training program that is offered after the  
 30 police chief initially takes office.
- 31 (l) A police chief who fails to comply with subsection (k) may not  
 32 continue to serve as the police chief until completion of the executive  
 33 training program. For the purposes of this subsection and subsection  
 34 (k), "police chief" refers to:
- 35 (1) the police chief of any city;
- 36 (2) the police chief of any town having a metropolitan police  
 37 department; and
- 38 (3) the chief of a consolidated law enforcement department  
 39 established under IC 36-3-1-5.1.
- 40 A town marshal is not considered to be a police chief for these  
 41 purposes, but a town marshal may enroll in the executive training  
 42 program.



1 (m) A fire investigator in the division of fire and building safety  
 2 appointed after December 31, 1993, is required to comply with the  
 3 basic training standards established under this chapter.

4 (n) The board shall adopt rules under IC 4-22-2 to establish a  
 5 program to certify handgun safety courses, including courses offered  
 6 in the private sector, that meet standards approved by the board for  
 7 training probation officers in handgun safety as required by  
 8 ~~IC 11-13-1-3.5(3)~~. **IC 11-13-1-3.5(2)**.

9 (o) The board shall adopt rules under IC 4-22-2 to establish a  
 10 refresher course for an officer who:

11 (1) is hired by an Indiana law enforcement department or agency  
 12 as a law enforcement officer;

13 (2) has not been employed as a law enforcement officer for:

14 (A) at least two (2) years; and

15 (B) less than six (6) years before the officer is hired under  
 16 subdivision (1); and

17 (3) completed at any time a basic training course certified or  
 18 recognized by the board before the officer is hired under  
 19 subdivision (1).

20 (p) An officer to whom subsection (o) applies must successfully  
 21 complete the refresher course described in subsection (o) not later than  
 22 six (6) months after the officer's date of hire, or the officer loses the  
 23 officer's powers of:

24 (1) arrest;

25 (2) search; and

26 (3) seizure.

27 (q) The board shall adopt rules under IC 4-22-2 to establish a  
 28 refresher course for an officer who:

29 (1) is appointed by an Indiana law enforcement department or  
 30 agency as a reserve police officer; and

31 (2) has not worked as a reserve police officer for at least two (2)  
 32 years after:

33 (A) completing the pre-basic course; or

34 (B) leaving the individual's last appointment as a reserve  
 35 police officer.

36 An officer to whom this subsection applies must successfully complete  
 37 the refresher course established by the board in order to work as a  
 38 reserve police officer.

39 (r) This subsection applies to an individual who, at the time the  
 40 individual completes a board certified or recognized basic training  
 41 course, has not been appointed as a law enforcement officer by an  
 42 Indiana law enforcement department or agency. If the individual is not



1 employed as a law enforcement officer for at least two (2) years after  
 2 completing the basic training course, the individual must successfully  
 3 retake and complete the basic training course as set forth in subsection  
 4 (d).

5 (s) The board shall adopt rules under IC 4-22-2 to establish a  
 6 refresher course for an individual who:

7 (1) is appointed as a board certified instructor of law enforcement  
 8 training; and

9 (2) has not provided law enforcement training instruction for  
 10 more than one (1) year after the date the individual's instructor  
 11 certification expired.

12 An individual to whom this subsection applies must successfully  
 13 complete the refresher course established by the board in order to  
 14 renew the individual's instructor certification.

15 (t) This subsection applies only to a gaming agent employed as a  
 16 law enforcement officer by the Indiana gaming commission. A gaming  
 17 agent appointed after June 30, 2005, may exercise the police powers  
 18 described in subsection (d) if:

19 (1) the agent successfully completes the pre-basic course  
 20 established in subsection (f); and

21 (2) the agent successfully completes any other training courses  
 22 established by the Indiana gaming commission in conjunction  
 23 with the board.

24 (u) This subsection applies only to a securities enforcement officer  
 25 designated as a law enforcement officer by the securities  
 26 commissioner. A securities enforcement officer may exercise the police  
 27 powers described in subsection (d) if:

28 (1) the securities enforcement officer successfully completes the  
 29 pre-basic course established in subsection (f); and

30 (2) the securities enforcement officer successfully completes any  
 31 other training courses established by the securities commissioner  
 32 in conjunction with the board.

33 (v) As used in this section, "upper level policymaking position"  
 34 refers to the following:

35 (1) If the authorized size of the department or town marshal  
 36 system is not more than ten (10) members, the term refers to the  
 37 position held by the police chief or town marshal.

38 (2) If the authorized size of the department or town marshal  
 39 system is more than ten (10) members but less than fifty-one (51)  
 40 members, the term refers to:

41 (A) the position held by the police chief or town marshal; and

42 (B) each position held by the members of the police



1 department or town marshal system in the next rank and pay  
2 grade immediately below the police chief or town marshal.  
3 (3) If the authorized size of the department or town marshal  
4 system is more than fifty (50) members, the term refers to:  
5 (A) the position held by the police chief or town marshal; and  
6 (B) each position held by the members of the police  
7 department or town marshal system in the next two (2) ranks  
8 and pay grades immediately below the police chief or town  
9 marshal.  
10 (w) This subsection applies only to a correctional police officer  
11 employed by the department of correction. A correctional police officer  
12 may exercise the police powers described in subsection (d) if:  
13 (1) the officer successfully completes the pre-basic course  
14 described in subsection (f); and  
15 (2) the officer successfully completes any other training courses  
16 established by the department of correction in conjunction with  
17 the board.  
18 SECTION 5. IC 11-9-2-4 IS REPEALED [EFFECTIVE JULY 1,  
19 2021]. ~~Sec. 4. The governor may issue a pardon that conditions the~~  
20 ~~removal of all disabilities applicable to holding a handgun permit or~~  
21 ~~other license issued under IC 35-47-2 upon a determination by the~~  
22 ~~superintendent of state police that circumstances have changed to such~~  
23 ~~an extent since the pardoned conviction was entered that the applicant~~  
24 ~~for the permit or license is likely to handle handguns in compliance~~  
25 ~~with the law.~~  
26 SECTION 6. IC 11-13-1-3.5, AS AMENDED BY P.L.4-2017,  
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2021]: Sec. 3.5. A probation officer may not carry a handgun  
29 ~~as described in IC 35-47-2-1 in any vehicle or on or about the~~  
30 **probation officer's body** while acting in the scope of employment as  
31 a probation officer unless all of the following conditions are met:  
32 (1) The appointing court enters an order authorizing the probation  
33 officer to carry the handgun while on duty.  
34 ~~(2) The probation officer is issued a license to carry the handgun~~  
35 ~~under IC 35-47-2.~~  
36 ~~(3)~~ **(2)** The probation officer successfully completes a handgun  
37 safety course certified by the law enforcement training board  
38 under IC 5-2-1-9(n).  
39 SECTION 7. IC 14-16-1-23, AS AMENDED BY P.L.35-2011,  
40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2021]: Sec. 23. (a) An individual shall not operate a vehicle  
42 under any of the following conditions:



- 1 (1) At a rate of speed greater than is reasonable and proper having  
2 due regard for existing conditions or in a manner that  
3 unnecessarily endangers the person or property of another.
- 4 (2) While:
- 5 (A) under the influence of an alcoholic beverage; or  
6 (B) unlawfully under the influence of a narcotic or other habit  
7 forming or dangerous depressant or stimulant drug.
- 8 (3) During the hours from thirty (30) minutes after sunset to thirty  
9 (30) minutes before sunrise without displaying a lighted headlight  
10 and a lighted taillight.
- 11 (4) In a forest nursery, a planting area, or public land posted or  
12 reasonably identified as an area of forest or plant reproduction  
13 and when growing stock may be damaged.
- 14 (5) On the frozen surface of public waters within:
- 15 (A) one hundred (100) feet of an individual not in or upon a  
16 vehicle; or  
17 (B) one hundred (100) feet of a fishing shanty or shelter;  
18 except at a speed of not more than five (5) miles per hour.
- 19 (6) Unless the vehicle is equipped with a muffler in good working  
20 order and in constant operation to prevent excessive or unusual  
21 noise and annoying smoke.
- 22 (7) Within one hundred (100) feet of a dwelling between midnight  
23 and 6:00 a.m., except on the individual's own property or property  
24 under the individual's control or as an invited guest.
- 25 (8) On any property without the consent of the landowner or  
26 tenant.
- 27 (9) While transporting on or in the vehicle a firearm, unless the  
28 firearm is:
- 29 (A) unloaded; and  
30 (B) securely encased or equipped with and made inoperative  
31 by a manufactured keylocked trigger housing mechanism.
- 32 (10) On or across a cemetery or burial ground.
- 33 (11) Within one hundred (100) feet of a slide, ski, or skating area,  
34 except for the purpose of servicing the area.
- 35 (12) On a railroad track or railroad right-of-way, except railroad  
36 personnel in the performance of duties.
- 37 (13) In or upon a flowing river, stream, or creek, except for the  
38 purpose of crossing by the shortest possible route, unless the  
39 river, stream, or creek is of sufficient water depth to permit  
40 movement by flotation of the vehicle at all times.
- 41 (14) An individual shall not operate a vehicle while a bow is  
42 present in or on the vehicle if the nock of an arrow is in position



- 1 on the string of the bow.
- 2 (b) Subsection (a)(9) does not apply to a person who is carrying a
- 3 firearm:
- 4 (1) if
- 5 ~~(A) the firearm is a handgun; and~~
- 6 ~~(B) the person has been issued an unlimited handgun license~~
- 7 ~~to carry a handgun under IC 35-47-2;~~
- 8 ~~(2) if:~~
- 9 ~~(A) the firearm is a handgun; and~~
- 10 ~~(B) the person is not required to possess a license to carry a~~
- 11 ~~handgun under IC 35-47-2-2; or~~
- 12 ~~(3) (2) if the person carrying the firearm is operating the vehicle~~
- 13 ~~on property that the person:~~
- 14 ~~(A) owns;~~
- 15 ~~(B) has a contractual interest in;~~
- 16 ~~(C) otherwise legally possesses; or~~
- 17 ~~(D) has permission from a person described in clauses (A)~~
- 18 ~~through (C) to possess a firearm on.~~
- 19 SECTION 8. IC 21-17-5-6, AS AMENDED BY P.L.107-2019,
- 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2021]: Sec. 6. Whenever a police officer retires after at least
- 22 twenty (20) years of service, the police officer may retain the officer's
- 23 service weapon. The officer is entitled to receive, in recognition of the
- 24 service to the educational institution and the public, a badge that
- 25 indicates that the officer is retired. Upon retirement, the state police
- 26 department shall issue to the police officer an identification card that:
- 27 (1) states the police officer's name and rank at retirement;
- 28 (2) states the officer's retired status; and
- 29 (3) notes the officer's authority to retain the service weapon.
- 30 A retired police officer described in this section is entitled to a lifetime
- 31 **reciprocity** license ~~to carry a handgun~~ as described under
- 32 IC 35-47-2-3(f).
- 33 SECTION 9. IC 21-39-4-7, AS AMENDED BY P.L.107-2019,
- 34 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2021]: Sec. 7. Whenever a police officer retires after at least
- 36 twenty (20) years of service, the police officer may retain the officer's
- 37 service weapon. The officer is entitled to receive, in recognition of the
- 38 service to the state educational institution and the public, a badge that
- 39 indicates that the officer is retired. Upon retirement, the state police
- 40 department shall issue to the police officer an identification card that:
- 41 (1) states the police officer's name and rank at retirement;
- 42 (2) states the officer's retired status; and



1 (3) notes the officer's authority to retain the service weapon.  
 2 A police officer described in this section is entitled to a lifetime  
 3 **reciprocity** license to carry a handgun as described under  
 4 IC 35-47-2-3(f).

5 SECTION 10. IC 31-30-1-4, AS AMENDED BY P.L.28-2016,  
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2021]: Sec. 4. (a) The juvenile court does not have jurisdiction  
 8 over an individual for an alleged violation of:

- 9 (1) IC 35-41-5-1(a) (attempted murder);  
 10 (2) IC 35-42-1-1 (murder);  
 11 (3) IC 35-42-3-2 (kidnapping);  
 12 (4) IC 35-42-4-1 (rape);  
 13 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);  
 14 (6) IC 35-42-5-1 (robbery) if:  
 15 (A) the robbery was committed while armed with a deadly  
 16 weapon; or  
 17 (B) the robbery results in bodily injury or serious bodily  
 18 injury;  
 19 (7) IC 35-42-5-2 (carjacking) (before its repeal);  
 20 ~~(8) IC 35-47-2-1 (carrying a handgun without a license); if~~  
 21 ~~charged as a felony;~~  
 22 ~~(9) (8) IC 35-47-10 (children and firearms), if charged as a felony;~~  
 23 or  
 24 ~~(10) (9) any offense that may be joined under IC 35-34-1-9(a)(2)~~  
 25 ~~with any crime listed in this subsection;~~

26 if the individual was at least sixteen (16) years of age but less than  
 27 eighteen (18) years of age at the time of the alleged violation.

28 (b) Once an individual described in subsection (a) has been charged  
 29 with any offense listed in subsection (a), the court having adult  
 30 criminal jurisdiction shall retain jurisdiction over the case if the  
 31 individual pleads guilty to or is convicted of any offense listed in  
 32 subsection (a)(1) through ~~(a)(9)~~: **(a)(8)**.

33 (c) If:

- 34 (1) an individual described in subsection (a) is charged with one  
 35 (1) or more offenses listed in subsection (a);  
 36 (2) all the charges under subsection (a)(1) through ~~(a)(9)~~ **(a)(8)**  
 37 resulted in an acquittal or were dismissed; and  
 38 (3) the individual pleads guilty to or is convicted of any offense  
 39 other than an offense listed in subsection (a)(1) through ~~(a)(9)~~;  
 40 **(a)(8)**;

41 the court having adult criminal jurisdiction may withhold judgment and  
 42 transfer jurisdiction to the juvenile court for adjudication and



1 disposition. In determining whether to transfer jurisdiction to the  
 2 juvenile court for adjudication and disposition, the court having adult  
 3 criminal jurisdiction shall consider whether there are appropriate  
 4 services available in the juvenile justice system, whether the child is  
 5 amenable to rehabilitation under the juvenile justice system, and  
 6 whether it is in the best interests of the safety and welfare of the  
 7 community that the child be transferred to juvenile court. All orders  
 8 concerning release conditions remain in effect until a juvenile court  
 9 detention hearing, which must be held not later than forty-eight (48)  
 10 hours, excluding Saturdays, Sundays, and legal holidays, after the order  
 11 of transfer of jurisdiction.

12 SECTION 11. IC 35-31.5-2-78, AS AMENDED BY P.L.40-2019,  
 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2021]: Sec. 78. "Crime of domestic violence", for purposes of  
 15 IC 5-2-6.1, IC 35-38-9, **IC 35-47-2-1.8**, and IC 35-47-4-7, means an  
 16 offense or the attempt to commit an offense that:

17 (1) has as an element the:

18 (A) use of physical force; or

19 (B) threatened use of a deadly weapon; and

20 (2) is committed against a family or household member, as  
 21 defined in section 128 of this chapter.

22 SECTION 12. IC 35-33-1-1, AS AMENDED BY P.L.65-2016,  
 23 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2021]: Sec. 1. (a) A law enforcement officer may arrest a  
 25 person when the officer has:

26 (1) a warrant commanding that the person be arrested;

27 (2) probable cause to believe the person has committed or  
 28 attempted to commit, or is committing or attempting to commit,  
 29 a felony;

30 (3) probable cause to believe the person has violated the  
 31 provisions of IC 9-26-1-1.1 or IC 9-30-5;

32 (4) probable cause to believe the person is committing or  
 33 attempting to commit a misdemeanor in the officer's presence;

34 (5) probable cause to believe the person has committed a:

35 (A) battery resulting in bodily injury under IC 35-42-2-1; or

36 (B) domestic battery under IC 35-42-2-1.3.

37 The officer may use an affidavit executed by an individual alleged  
 38 to have direct knowledge of the incident alleging the elements of  
 39 the offense of battery to establish probable cause;

40 (6) probable cause to believe that the person violated  
 41 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;

42 (7) probable cause to believe that the person violated



1 ~~IC 35-47-2-1 (carrying a handgun without a license) or~~  
 2 ~~IC 35-47-2-22 (counterfeit handgun license);~~

3 ~~(8) (7)~~ probable cause to believe that the person is violating or has  
 4 violated an order issued under IC 35-50-7;

5 ~~(9) (8)~~ probable cause to believe that the person is violating or has  
 6 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous  
 7 device);

8 ~~(10) (9)~~ probable cause to believe that the person is:

9 (A) violating or has violated IC 35-45-2-5 (interference with  
 10 the reporting of a crime); and

11 (B) interfering with or preventing the reporting of a crime  
 12 involving domestic or family violence (as defined in  
 13 IC 34-6-2-34.5);

14 ~~(11) (10)~~ probable cause to believe that the person has committed  
 15 theft (IC 35-43-4-2);

16 ~~(12) (11)~~ a removal order issued for the person by an immigration  
 17 court;

18 ~~(13) (12)~~ a detainer or notice of action for the person issued by the  
 19 United States Department of Homeland Security; or

20 ~~(14) (13)~~ probable cause to believe that the person has been  
 21 indicted for or convicted of one (1) or more aggravated felonies  
 22 (as defined in 8 U.S.C. 1101(a)(43)).

23 (b) A person who:

24 (1) is employed full time as a federal enforcement officer;

25 (2) is empowered to effect an arrest with or without warrant for a  
 26 violation of the United States Code; and

27 (3) is authorized to carry firearms in the performance of the  
 28 person's duties;

29 may act as an officer for the arrest of offenders against the laws of this  
 30 state where the person reasonably believes that a felony has been or is  
 31 about to be committed or attempted in the person's presence.

32 SECTION 13. IC 35-47-1-2 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. "Alcohol abuser"  
 34 means an individual who has had two (2) or more alcohol related  
 35 offenses, any one (1) of which resulted in conviction by a court or  
 36 treatment in an alcohol abuse facility within three (3) years prior to:

37 (1) the date of the application; or

38 (2) **the carrying of a handgun.**

39 SECTION 14. IC 35-47-1-4 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. "Drug abuser" means  
 41 an individual who has had two (2) or more violations of IC 35-48-1,  
 42 IC 35-48-2, IC 35-48-3, or IC 35-48-4, any one (1) of which resulted



1 in conviction by a court or treatment in a drug abuse facility within five  
2 (5) years prior to:

3 (1) the date of application; or

4 (2) the carrying of a handgun.

5 SECTION 15. IC 35-47-2-1, AS AMENDED BY P.L.221-2017,  
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2021]: Sec. 1. (a) Except as provided in subsections (b) and  
8 (c) and sections 2 through 2.1 of this chapter, a person shall not carry  
9 a handgun in any vehicle or on or about the person's body without  
10 being licensed under this chapter to carry a handgun.

11 (b) Except as provided in subsection (c), a person may carry a  
12 handgun without being licensed under this chapter to carry a handgun  
13 if:

14 (1) the person carries the handgun on or about the person's body  
15 in or on property that is owned, leased, rented, or otherwise  
16 legally controlled by the person;

17 (2) the person carries the handgun on or about the person's body  
18 while lawfully present in or on property that is owned, leased,  
19 rented, or otherwise legally controlled by another person, if the  
20 person:

21 (A) has the consent of the owner, renter, lessor, or person who  
22 legally controls the property to have the handgun on the  
23 premises;

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

27 (C) is on the property to receive firearms related services,  
28 including the repair, maintenance, or modification of a  
29 firearm;

30 (3) the person carries the handgun in a vehicle that is owned,  
31 leased, rented, or otherwise legally controlled by the person, if the  
32 handgun is:

33 (A) unloaded;

34 (B) not readily accessible; and

35 (C) secured in a case;

36 (4) the person carries the handgun while lawfully present in a  
37 vehicle that is owned, leased, rented, or otherwise legally  
38 controlled by another person, if the handgun is:

39 (A) unloaded;

40 (B) not readily accessible; and

41 (C) secured in a case;

42 (5) the person carries the handgun:



- 1 (A) at a shooting range (as defined in IC 14-22-31.5-3);  
 2 (B) while attending a firearms instructional course; or  
 3 (C) while engaged in a legal hunting activity; or  
 4 (6) the person is permitted to carry a handgun without a license  
 5 under section 2.1 of this chapter (persons protected by a  
 6 protection order):  
 7 (e) Unless the person's right to possess a firearm has been restored  
 8 under IC 35-47-4-7, a person who has been convicted of domestic  
 9 battery under IC 35-42-2-1.3 may not possess or carry a handgun.  
 10 (d) This section chapter may not be construed:  
 11 (1) to prohibit a person who owns, leases, rents, or otherwise  
 12 legally controls private property from regulating or prohibiting the  
 13 possession of firearms on the private property;  
 14 (2) to allow a person to adopt or enforce an ordinance, resolution,  
 15 policy, or rule that:  
 16 (A) prohibits; or  
 17 (B) has the effect of prohibiting;  
 18 an employee of the person from possessing a firearm or  
 19 ammunition that is locked in the trunk of the employee's vehicle,  
 20 kept in the glove compartment of the employee's locked vehicle,  
 21 or stored out of plain sight in the employee's locked vehicle,  
 22 unless the person's adoption or enforcement of the ordinance,  
 23 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or  
 24 (3) to allow a person to adopt or enforce a law, statute, ordinance,  
 25 resolution, policy, or rule that allows a person to possess or  
 26 transport a firearm or ammunition if the person is prohibited from  
 27 possessing or transporting the firearm or ammunition by state or  
 28 federal law.  
 29 (e) A person who knowingly or intentionally violates this section  
 30 commits a Class A misdemeanor. However, the offense is a Level 5  
 31 felony:  
 32 (1) if the offense is committed:  
 33 (A) on or in school property;  
 34 (B) within five hundred (500) feet of school property; or  
 35 (C) on a school bus; or  
 36 (2) if the person:  
 37 (A) has a prior conviction of any offense under:  
 38 (i) this section; or  
 39 (ii) section 22 of this chapter; or  
 40 (B) has been convicted of a felony within fifteen (15) years  
 41 before the date of the offense.  
 42 SECTION 16. IC 35-47-2-1.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. (a) Unless the person's right**  
 3 **to possess a firearm has been restored under IC 35-47-4-7, a person**  
 4 **who has been convicted of domestic battery under IC 35-42-2-1.3**  
 5 **may not possess or carry a handgun.**

6 **(b) A person who knowingly or intentionally violates this section**  
 7 **commits a Class A misdemeanor. However, the offense is a Level**  
 8 **5 felony:**

9 **(1) if the offense is committed:**

10 **(A) on or in school property;**

11 **(B) within five hundred (500) feet of school property; or**

12 **(C) on a school bus; or**

13 **(2) if the person:**

14 **(A) has a prior conviction for an offense under this section;**

15 **or**

16 **(B) has been convicted of a felony within fifteen (15) years**  
 17 **before the date of the offense.**

18 SECTION 17. IC 35-47-2-1.8 IS ADDED TO THE INDIANA  
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2021]: **Sec. 1.8. (a) The following terms are**  
 21 **defined for this section:**

22 **(1) "Adjudicated a mental defective" means a determination**  
 23 **by a court that a person:**

24 **(A) presents a danger to the person or to others; or**

25 **(B) lacks the mental capacity necessary to contract or**  
 26 **manage the person's affairs.**

27 **The term includes a finding of insanity by a court in a**  
 28 **criminal proceeding.**

29 **(2) "Alien" means any person who is not lawfully in the**  
 30 **United States. The term includes:**

31 **(A) any person who has:**

32 **(i) entered the United States without inspection and**  
 33 **authorization by an immigration officer; and**

34 **(ii) not been paroled into the United States under the**  
 35 **federal Immigration and Nationality Act;**

36 **(B) a nonimmigrant:**

37 **(i) whose authorized period of stay has expired; or**

38 **(ii) who has violated the terms of the nonimmigrant**  
 39 **category under which the person was admitted;**

40 **(C) a person paroled under the federal Immigration and**  
 41 **Nationality Act whose period of parole has:**

42 **(i) expired; or**



- 1           (ii) been terminated; and  
 2           (D) a person subject to an order:  
 3           (i) of deportation, exclusion, or removal; or  
 4           (ii) to depart the United States voluntarily;  
 5           regardless of whether or not the person has left the United  
 6           States.  
 7           (3) "Committed to a mental institution" means the formal  
 8           commitment of a person to a mental institution by a court.  
 9           The term includes:  
 10          (A) a commitment for:  
 11           (i) a cognitive or mental defect; or  
 12           (ii) a mental illness; and  
 13          (B) involuntary commitments.  
 14          The term does not include voluntary commitments or a  
 15          commitment made for observational purposes.  
 16          (4) "Crime of domestic violence" has the meaning set forth in  
 17          IC 35-31.5-2-78.  
 18          (5) "Dangerous" has the meaning set forth in IC 35-47-14-1.  
 19          (6) "Fugitive from justice" means any person who:  
 20           (A) flees or leaves from any state to avoid prosecution for  
 21           a felony or misdemeanor offense; or  
 22           (B) flees or leaves any state to avoid testifying in a criminal  
 23           proceeding.  
 24          (7) "Indictment" means any formal accusation of a crime  
 25          made by a prosecuting attorney in any court for a crime  
 26          punishable by a term of imprisonment exceeding one (1) year.  
 27          (b) Except as provided in subsection (c), the following persons  
 28          may not knowingly or intentionally carry a handgun:  
 29           (1) A person convicted of a federal or state offense punishable  
 30           by a term of imprisonment exceeding one (1) year.  
 31           (2) A fugitive from justice.  
 32           (3) An alien.  
 33           (4) A person convicted of:  
 34           (A) a crime of domestic violence (IC 35-31.5-2-78);  
 35           (B) domestic battery (IC 35-42-2-1.3); or  
 36           (C) criminal stalking (IC 35-45-10-5).  
 37           (5) A person restrained by an order of protection issued under  
 38           IC 34-26-5.  
 39           (6) A person under indictment.  
 40           (7) A person who has been:  
 41           (A) adjudicated dangerous under IC 35-47-14-6;  
 42           (B) adjudicated a mental defective; or



- 1           **(C) committed to a mental institution.**  
 2           **(8) A person dishonorably discharged from:**  
 3           **(A) military service; or**  
 4           **(B) the National Guard.**  
 5           **(9) A person who renounces the person's United States**  
 6           **citizenship in the manner described in 8 U.S.C. 1481.**  
 7           **(10) A person who:**  
 8           **(A) is less than twenty-three (23) years of age; and**  
 9           **(B) has an adjudication as a delinquent child for an act**  
 10           **described by IC 35-47-4-5.**  
 11           **(c) Subsection (b) does not apply to a person who has**  
 12           **successfully petitioned for the return of a firearm under**  
 13           **IC 35-47-14-8.**  
 14           **(d) A person who violates this section commits unlawful**  
 15           **carrying of a handgun, a Class A misdemeanor. However, the**  
 16           **offense is a Level 4 felony if the person:**  
 17           **(1) is less than twenty-three (23) years of age; and**  
 18           **(2) has an adjudication as a delinquent child for an act**  
 19           **described by IC 35-47-4-5.**  
 20           SECTION 18. IC 35-47-2-2 IS REPEALED [EFFECTIVE JULY 1,  
 21           2021]. Sec. 2: Section † of this chapter does not apply to:  
 22           (†) marshals;  
 23           (2) sheriffs;  
 24           (3) the commissioner of the department of correction or persons  
 25           authorized by the commissioner in writing to carry firearms;  
 26           (4) judicial officers;  
 27           (5) law enforcement officers;  
 28           (6) members of the armed forces of the United States or of the  
 29           national guard or organized reserves while they are on duty;  
 30           (7) regularly enrolled members of any organization duly  
 31           authorized to purchase or receive such weapons from the United  
 32           States or from this state who are at or are going to or from their  
 33           place of assembly or target practice;  
 34           (8) employees of the United States duly authorized to carry  
 35           handguns;  
 36           (9) employees of express companies when engaged in company  
 37           business; or  
 38           (†0) any person engaged in the business of manufacturing,  
 39           repairing; or dealing in firearms or the agent or representative of  
 40           any such person having in the person's possession; using; or  
 41           carrying a handgun in the usual or ordinary course of that  
 42           business.



1 SECTION 19. IC 35-47-2-2.1 IS REPEALED [EFFECTIVE JULY  
2 1, 2021]. Sec. 2.1: (a) As used in this section, "protection order" means  
3 a civil protection order issued under IC 34-26-5.

4 (b) A person may carry a handgun without a license if the person:

5 (1) has applied for a license to carry a handgun as described in  
6 IC 35-47-2-3;

7 (2) is protected by a protection order;

8 (3) is at least eighteen (18) years of age; and

9 (4) is not otherwise barred by state or federal law from possessing  
10 a handgun;

11 during the period described in subsection (c):

12 (c) A person described in subsection (b) may carry a handgun  
13 without a license for a period ending sixty (60) days after the date the  
14 protection order is issued.

15 SECTION 20. IC 35-47-2-3, AS AMENDED BY P.L.107-2019,  
16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2021]: Sec. 3. (a) A person desiring a license to carry **who is**  
18 **not otherwise prohibited from carrying or possessing** a handgun  
19 **shall apply: under state or federal law is not required to obtain or**  
20 **possess a license or permit from the state to carry a handgun in**  
21 **Indiana. A resident of this state who wishes to carry a firearm in**  
22 **another state under a reciprocity agreement entered into by this**  
23 **state and another state may obtain an Indiana reciprocity license**  
24 **under this chapter by applying:**

25 (1) to the chief of police or corresponding law enforcement officer  
26 of the municipality in which the applicant resides;

27 (2) if that municipality has no such officer, or if the applicant does  
28 not reside in a municipality, to the sheriff of the county in which  
29 the applicant resides after the applicant has obtained an  
30 application form prescribed by the superintendent; or

31 (3) if the applicant is a resident of another state and has a regular  
32 place of business or employment in Indiana, to the sheriff of the  
33 county in which the applicant has a regular place of business or  
34 employment.

35 The superintendent and local law enforcement agencies shall allow an  
36 applicant desiring to obtain or renew a **reciprocity** license ~~to carry a~~  
37 ~~handgun~~ to submit an application electronically under this chapter if  
38 funds are available to establish and maintain an electronic application  
39 system.

40 (b) This subsection applies before July 1, 2020. The law  
41 enforcement agency which accepts an application for a handgun license  
42 shall collect the following application fees:



- 1 (1) From a person applying for a four (4) year handgun license, a  
 2 ten dollar (\$10) application fee, five dollars (\$5) of which shall be  
 3 refunded if the license is not issued.
- 4 (2) From a person applying for a lifetime handgun license who  
 5 does not currently possess a valid Indiana handgun license, a fifty  
 6 dollar (\$50) application fee, thirty dollars (\$30) of which shall be  
 7 refunded if the license is not issued.
- 8 (3) From a person applying for a lifetime handgun license who  
 9 currently possesses a valid Indiana handgun license, a forty dollar  
 10 (\$40) application fee, thirty dollars (\$30) of which shall be  
 11 refunded if the license is not issued.

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

21 (c) This subsection applies after June 30, 2020. The law  
 22 enforcement agency which accepts an application for a **handgun**  
 23 **reciprocity** license shall not collect a fee from a person applying for a  
 24 five (5) year **handgun reciprocity** license and shall collect the  
 25 following application fees:

- 26 (1) From a person applying for a lifetime **handgun reciprocity**  
 27 license who does not currently possess a valid Indiana **handgun**  
 28 **reciprocity** license, a fifty dollar (\$50) application fee, thirty  
 29 dollars (\$30) of which shall be refunded if the **reciprocity** license  
 30 is not issued.
- 31 (2) From a person applying for a lifetime **handgun reciprocity**  
 32 license who currently possesses a valid Indiana **handgun**  
 33 **reciprocity** license, a forty dollar (\$40) application fee, thirty  
 34 dollars (\$30) of which shall be refunded if the **reciprocity** license  
 35 is not issued.

36 Except as provided in subsection (i), the fee shall be deposited into the  
 37 law enforcement agency's firearms training fund or other appropriate  
 38 training activities fund and used by the agency to train law enforcement  
 39 officers in the proper use of firearms or in other law enforcement  
 40 duties, or to purchase firearms, firearm related equipment, or body  
 41 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers  
 42 employed by the law enforcement agency. The state board of accounts



1 shall establish rules for the proper accounting and expenditure of funds  
2 collected under this subsection.

3 (d) The officer to whom the application is made shall ascertain the  
4 applicant's name, full address, length of residence in the community,  
5 whether the applicant's residence is located within the limits of any city  
6 or town, the applicant's occupation, place of business or employment,  
7 criminal record, if any, and convictions (minor traffic offenses  
8 excepted), age, race, sex, nationality, date of birth, citizenship, height,  
9 weight, build, color of hair, color of eyes, scars and marks, whether the  
10 applicant has previously held an Indiana license to carry a handgun **or**  
11 **an Indiana reciprocity license** and, if so, the serial number of the  
12 license and year issued, whether the applicant's license has ever been  
13 suspended or revoked, and if so, the year and reason for the suspension  
14 or revocation, and the applicant's reason for desiring a **reciprocity**  
15 license. If the applicant is not a United States citizen, the officer to  
16 whom the application is made shall ascertain the applicant's country of  
17 citizenship, place of birth, and any alien or admission number issued  
18 by the United States Citizenship and Immigration Services or United  
19 States Customs and Border Protection or any successor agency as  
20 applicable. The officer to whom the application is made shall conduct  
21 an investigation into the applicant's official records and verify thereby  
22 the applicant's character and reputation, and shall in addition verify for  
23 accuracy the information contained in the application, and shall  
24 forward this information together with the officer's recommendation for  
25 approval or disapproval and one (1) set of legible and classifiable  
26 fingerprints of the applicant to the superintendent. An investigation  
27 conducted under this section must include the consulting of available  
28 local, state, and federal criminal history data banks, including the  
29 National Instant Criminal Background Check System (NICS), to  
30 determine whether possession of a firearm by an applicant would be a  
31 violation of state or federal law.

32 (e) The superintendent may make whatever further investigation the  
33 superintendent deems necessary. Whenever disapproval is  
34 recommended, the officer to whom the application is made shall  
35 provide the superintendent and the applicant with the officer's complete  
36 and specific reasons, in writing, for the recommendation of  
37 disapproval.

38 (f) If it appears to the superintendent that the applicant:

- 39 (1) has a proper reason for ~~carrying a handgun~~; **receiving a**  
40 **reciprocity license**;  
41 (2) is of good character and reputation;  
42 (3) is a proper person to be licensed; and



1 (4) is:

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

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

5 the superintendent shall issue to the applicant a ~~qualified or an~~  
6 ~~unlimited reciprocity~~ license. ~~to carry any handgun lawfully possessed~~  
7 ~~by the applicant.~~ The original **reciprocity** license shall be delivered to  
8 the licensee. A copy shall be delivered to the officer to whom the  
9 application for **reciprocity** license was made. A copy shall be retained  
10 by the superintendent for at least five (5) years in the case of a five (5)  
11 year **reciprocity** license. The superintendent may adopt guidelines to  
12 establish a records retention policy for a lifetime **reciprocity** license.  
13 A five (5) year **reciprocity** license shall be valid for a period of five (5)  
14 years from the date of issue. A lifetime **reciprocity** license is valid for  
15 the life of the individual receiving the **reciprocity** license. The  
16 **reciprocity** license of police officers, sheriffs or their deputies, and law  
17 enforcement officers of the United States government who have twenty  
18 (20) or more years of service shall be valid for the life of these  
19 individuals. However, a lifetime **reciprocity** license is automatically  
20 revoked if the license holder does not remain a proper person.

21 (g) At the time a **reciprocity** license is issued and delivered to a  
22 licensee under subsection (f), the superintendent shall include with the  
23 **reciprocity** license information concerning ~~handgun~~ **firearms** safety  
24 rules that:

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

27 (2) is:

28 (A) recommended by a nonprofit educational organization that  
29 is dedicated to providing education on safe handling and use  
30 of firearms;

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

32 (C) approved by the superintendent.

33 The superintendent may not deny a **reciprocity** license under this  
34 section because the information required under this subsection is  
35 unavailable at the time the superintendent would otherwise issue a  
36 **reciprocity** license. The state police department may accept private  
37 donations or grants to defray the cost of printing and mailing the  
38 information required under this subsection.

39 (h) A **reciprocity** license ~~to carry a handgun~~ shall not be issued to  
40 any person who:

41 (1) has been convicted of a felony;

42 (2) has had a license to carry a handgun **or a reciprocity license**



- 1 suspended, unless the person's license has been reinstated;  
 2 (3) is under eighteen (18) years of age;  
 3 (4) is under twenty-three (23) years of age if the person has been  
 4 adjudicated a delinquent child for an act that would be a felony if  
 5 committed by an adult;  
 6 (5) has been arrested for a Class A or Class B felony for an  
 7 offense committed before July 1, 2014, for a Level 1, Level 2,  
 8 Level 3, or Level 4 felony for an offense committed after June 30,  
 9 2014, or any other felony that was committed while armed with  
 10 a deadly weapon or that involved the use of violence, if a court  
 11 has found probable cause to believe that the person committed the  
 12 offense charged; ~~or~~  
 13 (6) is prohibited by federal law from possessing or receiving  
 14 firearms under 18 U.S.C. 922(g); **or**  
 15 **(7) is described in section 1.8 of this chapter, unless exempted**  
 16 **by section 1.8 of this chapter.**

17 In the case of an arrest under subdivision (5), a **reciprocity** license ~~to~~  
 18 ~~carry a handgun~~ may be issued to a person who has been acquitted of  
 19 the specific offense charged or if the charges for the specific offense  
 20 are dismissed. The superintendent shall prescribe all forms to be used  
 21 in connection with the administration of this chapter.

22 (i) If the law enforcement agency that charges a fee under  
 23 subsection (b) or (c) is a city or town law enforcement agency, the fee  
 24 shall be deposited in the law enforcement continuing education fund  
 25 established under IC 5-2-8-2.

26 (j) If a person who holds a valid **reciprocity** license ~~to carry a~~  
 27 ~~handgun~~ issued under this chapter:

- 28 (1) changes the person's name;  
 29 (2) changes the person's address; or  
 30 (3) experiences a change, including an arrest or a conviction, that  
 31 may affect the person's status as a proper person (as defined in  
 32 IC 35-47-1-7) or otherwise disqualify the person from holding a  
 33 **reciprocity** license;

34 the person shall, not later than thirty (30) days after the date of a  
 35 change described under subdivision (3), and not later than sixty (60)  
 36 days after the date of the change described under subdivision (1) or (2),  
 37 notify the superintendent, in writing, of the event described under  
 38 subdivision (3) or, in the case of a change under subdivision (1) or (2),  
 39 the person's new name or new address.

40 (k) The state police shall indicate on the form for a **reciprocity**  
 41 license ~~to carry a handgun~~ the notification requirements of subsection  
 42 (j).



- 1 (l) The state police department shall adopt rules under IC 4-22-2 to  
 2 ~~(1)~~ implement an electronic application system under subsection  
 3 (a). ~~and~~  
 4 ~~(2) expedite the processing of an application made by a person~~  
 5 ~~described in section 2-1(b) of this chapter.~~

6 Rules adopted under this section must require the superintendent to  
 7 keep on file one (1) set of classifiable and legible fingerprints from  
 8 every person who has received a **reciprocity** license ~~to carry a handgun~~  
 9 so that a person who applies to renew a **reciprocity** license will not be  
 10 required to submit an additional set of fingerprints.

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

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

15 (A) obtain; or

16 (B) renew;

17 a **reciprocity** license. ~~to carry a handgun.~~

- 18 (2) Information obtained by a federal, state, or local government  
 19 entity in the course of an investigation concerning a person who  
 20 applies to:

21 (A) obtain; or

22 (B) renew;

23 a **reciprocity** license ~~to carry a handgun~~ issued under this  
 24 chapter.

- 25 (3) The name, address, and any other information that may be  
 26 used to identify a person who holds a **reciprocity** license ~~to carry~~  
 27 ~~a handgun~~ issued under this chapter.

- 28 (n) Notwithstanding subsection (m):

- 29 (1) any information concerning an applicant for or a person who  
 30 holds a **reciprocity** license ~~to carry a handgun~~ issued under this  
 31 chapter may be released to a federal, state, or local government  
 32 entity:

33 (A) for law enforcement purposes; or

34 (B) to determine the validity of a **reciprocity** license; ~~to carry~~  
 35 ~~a handgun~~; and

- 36 (2) general information concerning the issuance of **reciprocity**  
 37 licenses ~~to carry handguns~~ in Indiana may be released to a person  
 38 conducting journalistic or academic research, but only if all  
 39 personal information that could disclose the identity of any person  
 40 who holds a **reciprocity** license ~~to carry a handgun~~ issued under  
 41 this chapter has been removed from the general information.

- 42 (o) A person who knowingly or intentionally violates this section



1 commits a Class B misdemeanor.

2 SECTION 21. IC 35-47-2-4, AS AMENDED BY P.L.107-2019,  
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2021]: Sec. 4. (a) **Reciprocity** licenses ~~to carry handguns~~  
5 ~~shall be either qualified or unlimited; and issued under section 3 of~~  
6 **this chapter** are valid for:

7 (1) five (5) years from the date of issue in the case of a five (5)  
8 year **reciprocity** license; or

9 (2) the life of the individual receiving the **reciprocity** license in  
10 the case of a lifetime **reciprocity** license.

11 A qualified license shall be issued for hunting and target practice. An  
12 individual may separately apply for and simultaneously hold both a five  
13 (5) year license and a lifetime license. The superintendent may adopt  
14 rules imposing limitations on the use and carrying of handguns under  
15 a license when handguns are carried by a licensee as a condition of  
16 employment. Unlimited licenses shall be issued for the purpose of the  
17 protection of life and property.

18 (b) This subsection applies before July 1, 2020. In addition to the  
19 application fee, the fee for:

20 (1) a qualified license shall be:

21 (A) five dollars (\$5) for a five (5) year qualified license;

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

25 (C) twenty dollars (\$20) for a lifetime qualified license from  
26 a person who currently possesses a valid Indiana handgun  
27 license; and

28 (2) an unlimited license shall be:

29 (A) thirty dollars (\$30) for a five (5) year unlimited license;

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

33 (C) sixty dollars (\$60) for a lifetime unlimited license from a  
34 person who currently possesses a valid Indiana handgun  
35 license.

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

39 (c) This subsection applies after June 30, 2020. In addition to the  
40 application fee, the fee for:

41 (1) a qualified license is:

42 (A) zero dollars (\$0) for a five (5) year qualified license;



- 1           (B) twenty-five dollars (\$25) for a lifetime qualified license  
 2           from a person who does not currently possess a valid Indiana  
 3           handgun license; and  
 4           (C) twenty dollars (\$20) for a lifetime qualified license from  
 5           a person who currently possesses a valid Indiana handgun  
 6           license; and  
 7           (2) an unlimited license is:  
 8           (A) zero dollars (\$0) for a five (5) year unlimited license;  
 9           (B) seventy-five dollars (\$75) for a lifetime unlimited license  
 10           from a person who does not currently possess a valid Indiana  
 11           handgun license; and  
 12           (C) sixty dollars (\$60) for a lifetime unlimited license from a  
 13           person who currently possesses a valid Indiana handgun  
 14           license.
- 15           (b) The superintendent shall charge a twenty dollar (\$20) fee for the  
 16           issuance of a duplicate **reciprocity** license to replace a lost or damaged  
 17           **reciprocity** license. These fees shall be deposited in accordance with  
 18           subsection (g): (d).
- 19           (d) Licensed dealers are exempt from the payment of fees specified  
 20           in subsections (b) and (c) for a qualified license or an unlimited  
 21           license.
- 22           (e) The following officers of this state or the United States who  
 23           have been honorably retired by a lawfully created pension board or its  
 24           equivalent after at least twenty (20) years of service or because of a  
 25           disability are exempt from the payment of fees the fee specified in  
 26           subsections **subsection (b): and (c):**
- 27           (1) Police officers.  
 28           (2) Sheriffs or their deputies.  
 29           (3) Law enforcement officers.  
 30           (4) Correctional officers.
- 31           (f) The following officers described in section 3(f) of this chapter  
 32           who have at least twenty (20) years of service are exempt from the  
 33           payment of fees for a lifetime qualified license or a lifetime unlimited  
 34           license specified in subsections (b) and (c):  
 35           (1) Police officers:  
 36           (2) Sheriffs or their deputies:  
 37           (3) Law enforcement officers of the United States government.
- 38           (g) (d) Fees collected under this section shall be deposited in the  
 39           state general fund.
- 40           (h) (e) The superintendent may not issue a lifetime qualified license  
 41           or a lifetime unlimited **reciprocity** license to a person who is a resident  
 42           of another state. The superintendent may issue a five (5) year qualified



1 **reciprocity** license ~~or a five (5) year unlimited license~~ to a person who  
 2 is a resident of another state and who has a regular place of business or  
 3 employment in Indiana as described in section 3(a)(3) of this chapter.

4 (†) (f) A person who knowingly or intentionally violates this section  
 5 commits a Class B misdemeanor.

6 SECTION 22. IC 35-47-2-5, AS AMENDED BY P.L.107-2019,  
 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2021]: Sec. 5. (a) The superintendent may suspend or revoke  
 9 any **reciprocity** license issued under this chapter if the superintendent  
 10 has reasonable grounds to believe that the person's **reciprocity** license  
 11 should be suspended or revoked.

12 (b) Documented evidence that a person is not a "proper person" to  
 13 be licensed as defined by IC 35-47-1-7, or is prohibited under section  
 14 3(h)(5) of this chapter from being issued a **reciprocity** license, shall be  
 15 grounds for immediate suspension or revocation of a **reciprocity**  
 16 license previously issued under this chapter. However, if a **reciprocity**  
 17 license is suspended or revoked based solely on an arrest under section  
 18 3(h)(5) of this chapter, the **reciprocity** license shall be reinstated upon  
 19 the acquittal of the defendant in that case or upon the dismissal of the  
 20 charges for the specific offense.

21 (c) A person who knowingly or intentionally fails to promptly return  
 22 the person's **reciprocity** license after written notice of suspension or  
 23 revocation commits a Class A misdemeanor. The observation of a  
 24 ~~handgun~~ **reciprocity** license in the possession of a person whose  
 25 **reciprocity** license has been suspended or revoked constitutes a  
 26 sufficient basis for the arrest of that person for violation of this  
 27 subsection.

28 (d) The superintendent shall establish rules under IC 4-22-2  
 29 concerning the procedure for suspending or revoking a person's  
 30 **reciprocity** license.

31 SECTION 23. IC 35-47-2-17, AS AMENDED BY P.L.158-2013,  
 32 SECTION 581, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) No person, in purchasing or  
 34 otherwise securing delivery of a firearm or in applying for a  
 35 **reciprocity** license, ~~to carry a handgun~~, shall knowingly or  
 36 intentionally:

37 (1) give false information on a form required to:

38 (A) purchase or secure delivery of a firearm; or

39 (B) apply for a **reciprocity** license; ~~to carry a handgun~~; or

40 (2) offer false evidence of identity.

41 In addition to any penalty provided by this chapter, any firearm  
 42 obtained through false information shall be subject to confiscation and



1 disposition as provided in this chapter. Upon notice of a violation of  
 2 this section by the superintendent, it shall be the duty of the sheriff or  
 3 chief of police or corresponding officer of the jurisdiction in which the  
 4 purchaser resides to confiscate the firearm and retain it as evidence  
 5 pending trial for the offense.

6 (b) A person who knowingly or intentionally violates this section  
 7 commits a Level 5 felony.

8 SECTION 24. IC 35-47-2-20 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20. ~~(a)~~ A full pardon  
 10 from the governor of Indiana for:

- 11 (1) a felony other than a felony that is included in IC 35-42; or  
 12 (2) a violation of this chapter;

13 removes any disability under this chapter imposed because of that  
 14 offense, if fifteen (15) years have elapsed between the time of the  
 15 offense and the application for a **reciprocity** license under this chapter.

16 ~~(b) A conditional pardon described in IC 11-9-2-4 for:~~

- 17 ~~(1) a felony; or~~  
 18 ~~(2) a violation of this chapter;~~

19 removes a disability under this chapter if the superintendent determines  
 20 after an investigation that circumstances have changed since the  
 21 pardoned conviction was entered to such an extent that the pardoned  
 22 person is likely to handle handguns in compliance with the law.

23 SECTION 25. IC 35-47-2-22 IS REPEALED [EFFECTIVE JULY  
 24 1, 2021]. Sec. 22: (a) It is unlawful for any person to use, or to attempt  
 25 to use, a false, counterfeit, spurious, or altered handgun-carrying  
 26 license to obtain a handgun contrary to the provisions of this chapter.

27 (b) A person who knowingly or intentionally violates this section  
 28 commits a Level 6 felony.

29 SECTION 26. IC 35-47-2-24 IS REPEALED [EFFECTIVE JULY  
 30 1, 2021]. Sec. 24: (a) In an information or indictment brought for the  
 31 enforcement of any provision of this chapter, it is not necessary to  
 32 negate any exemption specified under this chapter, or to allege the  
 33 absence of a license required under this chapter. The burden of proof  
 34 is on the defendant to prove that he is exempt under section 2 of this  
 35 chapter, or that he has a license as required under this chapter.

36 (b) Whenever a person who has been arrested or charged with a  
 37 violation of section 1 of this chapter presents a valid license to the  
 38 prosecuting attorney or establishes that he is exempt under section 2 of  
 39 this chapter, any prosecution for a violation of section 1 of this chapter  
 40 shall be dismissed immediately, and all records of an arrest or  
 41 proceedings following arrest shall be destroyed immediately.

42 SECTION 27. IC 35-47-2.5-1, AS AMENDED BY P.L.152-2014,



1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2021]: Sec. 1. (a) Sections 2 through 5 of this chapter do not  
3 apply to the following:

4 (1) Transactions between persons who are licensed as firearms  
5 importers or collectors or firearms manufacturers or dealers under  
6 18 U.S.C. 923.

7 (2) Purchases by or sales to a law enforcement officer or agent of  
8 the United States, the state, or a county or local government.

9 (3) ~~Indiana residents licensed to carry handguns under~~  
10 ~~IC 35-47-2-3. in possession of a reciprocity license described~~  
11 ~~in IC 35-47-2-3.~~

12 (b) Notwithstanding any other provision of this chapter, the state  
13 shall participate in the NICS if federal funds are available to assist the  
14 state in participating in the NICS. If:

15 (1) the state participates in the NICS; and

16 (2) there is a conflict between:

17 (A) a provision of this chapter; and

18 (B) a procedure required under the NICS;

19 the procedure required under the NICS prevails over the conflicting  
20 provision of this chapter.

21 SECTION 28. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,  
22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2021]: Sec. 4. This chapter may not be construed to prevent  
24 any of the following:

25 (1) A law enforcement agency of a political subdivision from  
26 enacting and enforcing regulations pertaining to firearms,  
27 ammunition, or firearm accessories issued to or used by law  
28 enforcement officers in the course of their official duties.

29 (2) Subject to IC 34-28-7-2, an employer from regulating or  
30 prohibiting the employees of the employer from carrying firearms  
31 and ammunition in the course of the employee's official duties.

32 (3) A court or administrative law judge from hearing and  
33 resolving any case or controversy or issuing any opinion or order  
34 on a matter within the jurisdiction of the court or judge.

35 (4) The enactment or enforcement of generally applicable zoning  
36 or business ordinances that apply to firearms businesses to the  
37 same degree as other similar businesses. However, a provision of  
38 an ordinance that is designed or enforced to effectively restrict or  
39 prohibit the sale, purchase, transfer, manufacture, or display of  
40 firearms, ammunition, or firearm accessories that is otherwise  
41 lawful under the laws of this state is void. A unit (as defined in  
42 IC 36-1-2-23) may not use the unit's planning and zoning powers



- 1 under IC 36-7-4 to prohibit the sale of firearms within a  
 2 prescribed distance of any other type of commercial property or  
 3 of school property or other educational property.
- 4 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a  
 5 provision prohibiting or restricting the possession of a firearm in  
 6 any building that contains the courtroom of a circuit, superior,  
 7 city, town, or small claims court. However, if a portion of the  
 8 building is occupied by a residential tenant or private business,  
 9 any provision restricting or prohibiting the possession of a firearm  
 10 does not apply to the portion of the building that is occupied by  
 11 the residential tenant or private business, or to common areas of  
 12 the building used by a residential tenant or private business.
- 13 (6) The enactment or enforcement of a provision prohibiting or  
 14 restricting the intentional display of a firearm at a public meeting.
- 15 (7) The enactment or enforcement of a provision prohibiting or  
 16 restricting the possession of a firearm in a public hospital  
 17 corporation that contains a secure correctional health unit that is  
 18 staffed by a law enforcement officer twenty-four (24) hours a day.
- 19 (8) The imposition of any restriction or condition placed on a  
 20 person participating in:
- 21 (A) a community corrections program (IC 11-12-1);  
 22 (B) a forensic diversion program (IC 11-12-3.7); or  
 23 (C) a pretrial diversion program (IC 33-39-1).
- 24 (9) The enforcement or prosecution of the offense of criminal  
 25 recklessness (IC 35-42-2-2) involving the use of a firearm.
- 26 (10) For an event occurring on property leased from a political  
 27 subdivision or municipal corporation by the promoter or organizer  
 28 of the event:
- 29 (A) the establishment, by the promoter or organizer, at the  
 30 promoter's or organizer's own discretion, of rules of conduct or  
 31 admission upon which attendance at or participation in the  
 32 event is conditioned; or  
 33 (B) the implementation or enforcement of the rules of conduct  
 34 or admission described in clause (A) by a political subdivision  
 35 or municipal corporation in connection with the event.
- 36 (11) The enactment or enforcement of a provision prohibiting or  
 37 restricting the possession of a firearm in a hospital established  
 38 and operated under IC 16-22-2 or IC 16-23.
- 39 (12) A unit from using the unit's planning and zoning powers  
 40 under IC 36-7-4 to prohibit the sale of firearms within two  
 41 hundred (200) feet of a school by a person having a business that  
 42 did not sell firearms within two hundred (200) feet of a school



1 before April 1, 1994.

2 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)  
3 from enacting or enforcing a provision prohibiting or restricting  
4 the possession of a firearm in a building owned or administered  
5 by the unit if:

6 (A) metal detection devices are located at each public entrance  
7 to the building;

8 (B) each public entrance to the building is staffed by at least  
9 one (1) law enforcement officer:

10 (i) who has been adequately trained to conduct inspections  
11 of persons entering the building by use of metal detection  
12 devices and proper physical pat down searches; and

13 (ii) when the building is open to the public; and

14 (C) each:

15 (i) individual who enters the building through the public  
16 entrance when the building is open to the public; and

17 (ii) bag, package, and other container carried by the  
18 individual;

19 is inspected by a law enforcement officer described in clause  
20 (B).

21 However, except as provided in subdivision (5) concerning a  
22 building that contains a courtroom, a unit may not prohibit or  
23 restrict the possession of a handgun under this subdivision in a  
24 building owned or administered by the unit if the person who  
25 possesses the handgun ~~has been issued a valid license to carry the~~  
26 ~~handgun under IC 35-47-2; is not otherwise prohibited from~~  
27 **carrying or possessing a handgun.**

28 SECTION 29. IC 35-47-14-6, AS AMENDED BY P.L.142-2020,  
29 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2021]: Sec. 6. (a) The court shall conduct a hearing as  
31 required under this chapter.

32 (b) The state has the burden of proving all material facts by clear  
33 and convincing evidence.

34 (c) If the court determines that the state has proved by clear and  
35 convincing evidence that the individual is dangerous, the court shall  
36 issue a written order:

37 (1) finding the individual is dangerous (as defined in section 1 of  
38 this chapter);

39 (2) ordering the law enforcement agency having custody of the  
40 seized firearm to retain the firearm;

41 (3) ordering the individual's **reciprocity** license, ~~to carry a~~  
42 ~~handgun~~, if applicable, suspended; and



- 1 (4) enjoining the individual from:  
 2 (A) renting;  
 3 (B) receiving transfer of;  
 4 (C) owning; or  
 5 (D) possessing;  
 6 a firearm; and  
 7 determine whether the individual should be referred to further  
 8 proceedings to consider whether the individual should be involuntarily  
 9 detained or committed under IC 12-26-6-2(a)(2)(B).  
 10 (d) If the court finds that the individual is dangerous under  
 11 subsection (c), the clerk shall transmit the order of the court to the  
 12 office of judicial administration:  
 13 (1) for transmission to NICS (as defined in IC 35-47-2.5-2.5); and  
 14 (2) beginning July 1, 2021, for the collection of certain data  
 15 related to the confiscation and retention of firearms taken from  
 16 dangerous individuals;  
 17 in accordance with IC 33-24-6-3.  
 18 (e) If the court orders a law enforcement agency to retain a firearm,  
 19 the law enforcement agency shall retain the firearm until the court  
 20 orders the firearm returned or otherwise disposed of.  
 21 (f) If the court determines that the state has failed to prove by clear  
 22 and convincing evidence that the individual is dangerous, the court  
 23 shall issue a written order that:  
 24 (1) the individual is not dangerous (as defined in section 1 of this  
 25 chapter); and  
 26 (2) the law enforcement agency having custody of the firearm  
 27 shall return the firearm as quickly as practicable, but not later  
 28 than five (5) days after the date of the order, to the individual  
 29 from whom it was seized.  
 30 SECTION 30. IC 35-50-2-13, AS AMENDED BY P.L.84-2015,  
 31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2021]: Sec. 13. (a) The state may seek, on a page separate  
 33 from the rest of a charging instrument, to have a person who allegedly  
 34 committed an offense of dealing in a controlled substance under  
 35 IC 35-48-4-1 through IC 35-48-4-4 sentenced to an additional fixed  
 36 term of imprisonment if the state can show beyond a reasonable doubt  
 37 that the person knowingly or intentionally:  
 38 (1) used a firearm; or  
 39 (2) possessed a:  
 40 ~~(A) handgun in violation of IC 35-47-2-1;~~  
 41 ~~(B) (A) sawed-off shotgun in violation of federal law; or~~  
 42 ~~(C) (B) machine gun in violation of IC 35-47-5-8;~~



- 1 while committing the offense.
- 2 (b) If the person was convicted of the offense in a jury trial, the jury  
3 shall reconvene to hear evidence in the enhancement hearing. If the  
4 trial was to the court, or the judgment was entered on a guilty plea, the  
5 court alone shall hear evidence in the enhancement hearing.
- 6 (c) If the jury (if the hearing is by jury) or the court (if the hearing  
7 is to the court alone) finds that the state has proved beyond a  
8 reasonable doubt that the person knowingly or intentionally committed  
9 an offense as described in subsection (a), the court may sentence the  
10 person to an additional fixed term of imprisonment of not more than  
11 five (5) years, except as follows:
- 12 (1) If the firearm is a sawed-off shotgun, the court may sentence  
13 the person to an additional fixed term of imprisonment of not  
14 more than ten (10) years.
- 15 (2) If the firearm is a machine gun or is equipped with a firearm  
16 silencer or firearm muffler, the court may sentence the person to  
17 an additional fixed term of imprisonment of not more than twenty  
18 (20) years. The additional sentence under this subdivision is in  
19 addition to any additional sentence imposed under section 11 of  
20 this chapter for use of a firearm in the commission of an offense.

