

# SENATE BILL No. 171

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-47-2-3.

**Synopsis:** Minimum age for license to carry a handgun. Changes the minimum age required for a license to carry a handgun.

**Effective:** July 1, 2021.

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## Randolph Lonnie M

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January 5, 2021, read first time and referred to Committee on Corrections and Criminal Law.

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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.

## SENATE BILL No. 171

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-47-2-3, AS AMENDED BY P.L.107-2019,  
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 3. (a) A person desiring a license to carry a  
4 handgun shall apply:  
5 (1) to the chief of police or corresponding law enforcement officer  
6 of the municipality in which the applicant resides;  
7 (2) if that municipality has no such officer, or if the applicant does  
8 not reside in a municipality, to the sheriff of the county in which  
9 the applicant resides after the applicant has obtained an  
10 application form prescribed by the superintendent; or  
11 (3) if the applicant is a resident of another state and has a regular  
12 place of business or employment in Indiana, to the sheriff of the  
13 county in which the applicant has a regular place of business or  
14 employment.  
15 The superintendent and local law enforcement agencies shall allow an  
16 applicant desiring to obtain or renew a license to carry a handgun to  
17 submit an application electronically under this chapter if funds are



1 available to establish and maintain an electronic application system.

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

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

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

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

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

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

29 (1) From a person applying for a lifetime handgun license who  
30 does not currently possess a valid Indiana handgun license, a fifty  
31 dollar (\$50) application fee, thirty dollars (\$30) of which shall be  
32 refunded if the license is not issued.

33 (2) From a person applying for a lifetime handgun license who  
34 currently possesses a valid Indiana handgun license, a forty dollar  
35 (\$40) application fee, thirty dollars (\$30) of which shall be  
36 refunded if the license is not issued.

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



1 employed by the law enforcement agency. The state board of accounts  
2 shall establish rules for the proper accounting and expenditure of funds  
3 collected under this subsection.

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



- 1 (A) a citizen of the United States; or  
 2 (B) not a citizen of the United States but is allowed to carry a  
 3 firearm in the United States under federal law;  
 4 the superintendent shall issue to the applicant a qualified or an  
 5 unlimited license to carry any handgun lawfully possessed by the  
 6 applicant. The original license shall be delivered to the licensee. A  
 7 copy shall be delivered to the officer to whom the application for  
 8 license was made. A copy shall be retained by the superintendent for  
 9 at least five (5) years in the case of a five (5) year license. The  
 10 superintendent may adopt guidelines to establish a records retention  
 11 policy for a lifetime license. A five (5) year license shall be valid for a  
 12 period of five (5) years from the date of issue. A lifetime license is  
 13 valid for the life of the individual receiving the license. The license of  
 14 police officers, sheriffs or their deputies, and law enforcement officers  
 15 of the United States government who have twenty (20) or more years  
 16 of service shall be valid for the life of these individuals. However, a  
 17 lifetime license is automatically revoked if the license holder does not  
 18 remain a proper person.
- 19 (g) At the time a license is issued and delivered to a licensee under  
 20 subsection (f), the superintendent shall include with the license  
 21 information concerning handgun safety rules that:
- 22 (1) neither opposes nor supports an individual's right to bear  
 23 arms; and  
 24 (2) is:
- 25 (A) recommended by a nonprofit educational organization that  
 26 is dedicated to providing education on safe handling and use  
 27 of firearms;  
 28 (B) prepared by the state police department; and  
 29 (C) approved by the superintendent.
- 30 The superintendent may not deny a license under this section because  
 31 the information required under this subsection is unavailable at the  
 32 time the superintendent would otherwise issue a license. The state  
 33 police department may accept private donations or grants to defray the  
 34 cost of printing and mailing the information required under this  
 35 subsection.
- 36 (h) A license to carry a handgun shall not be issued to any person  
 37 who:
- 38 (1) has been convicted of a felony;  
 39 (2) has had a license to carry a handgun suspended, unless the  
 40 person's license has been reinstated;  
 41 (3) is under ~~eighteen (18)~~ **twenty-one (21)** years of age;  
 42 (4) is under twenty-three (23) years of age if the person has been



1 adjudicated a delinquent child for an act that would be a felony if  
2 committed by an adult;

3 (5) has been arrested for a Class A or Class B felony for an  
4 offense committed before July 1, 2014, for a Level 1, Level 2,  
5 Level 3, or Level 4 felony for an offense committed after June 30,  
6 2014, or any other felony that was committed while armed with  
7 a deadly weapon or that involved the use of violence, if a court  
8 has found probable cause to believe that the person committed the  
9 offense charged; or

10 (6) is prohibited by federal law from possessing or receiving  
11 firearms under 18 U.S.C. 922(g).

12 In the case of an arrest under subdivision (5), a license to carry a  
13 handgun may be issued to a person who has been acquitted of the  
14 specific offense charged or if the charges for the specific offense are  
15 dismissed. The superintendent shall prescribe all forms to be used in  
16 connection with the administration of this chapter.

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

21 (j) If a person who holds a valid license to carry a handgun issued  
22 under this chapter:

23 (1) changes the person's name;

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

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

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

35 (k) The state police shall indicate on the form for a license to carry  
36 a handgun the notification requirements of subsection (j).

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

38 (1) implement an electronic application system under subsection  
39 (a); and

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

42 Rules adopted under this section must require the superintendent to



1 keep on file one (1) set of classifiable and legible fingerprints from  
 2 every person who has received a license to carry a handgun so that a  
 3 person who applies to renew a license will not be required to submit an  
 4 additional set of fingerprints.

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

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

9 (A) obtain; or

10 (B) renew;

11 a license to carry a handgun.

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

15 (A) obtain; or

16 (B) renew;

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

18 (3) The name, address, and any other information that may be  
 19 used to identify a person who holds a license to carry a handgun  
 20 issued under this chapter.

21 (n) Notwithstanding subsection (m):

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

25 (A) for law enforcement purposes; or

26 (B) to determine the validity of a license to carry a handgun;  
 27 and

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

34 (o) A person who knowingly or intentionally violates this section  
 35 commits a Class B misdemeanor.

