



February 20, 2023

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## HOUSE BILL No. 1348

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DIGEST OF HB 1348 (Updated February 20, 2023 11:40 am - DI 140)

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

**Synopsis:** Disposal of firearms by trade for new equipment. Permits a law enforcement agency to dispose of certain confiscated firearms by trade with a licensed firearms dealer, a licensed firearm manufacturer, or another law enforcement agency in exchange for new firearms and other law enforcement equipment. Sets forth the recording and reporting requirements for the trade of firearms by a law enforcement agency.

**Effective:** July 1, 2023.

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### Lucas, Bartels, Jeter, Torr

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January 17, 2023, read first time and referred to Committee on Veterans Affairs and Public Safety.  
February 20, 2023, reported — Do Pass.

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HB 1348—LS 6195/DI 150





February 20, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1348

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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 35-47-3-2, AS AMENDED BY P.L.101-2017,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 2. (a) This section applies only to firearms which  
4 are not required to be registered in the National Firearms Registration  
5 and Transfer Record.

6 (b) Firearms shall be returned to the rightful owner at once  
7 following final disposition of the cause if a return has not already  
8 occurred under the terms of IC 35-33-5. If the rightful ownership is not  
9 known the law enforcement agency holding the firearm shall make a  
10 reasonable attempt to ascertain the rightful ownership and cause the  
11 return of the firearm. However, nothing in this chapter shall be  
12 construed as requiring the return of firearms to rightful owners who  
13 have been convicted for the misuse of firearms. In such cases, the court  
14 may provide for the return of the firearm in question or order that the  
15 firearm be at once delivered:

16 (1) except as provided in subdivision (2), to the sheriff's  
17 department of the county in which the offense occurred; or

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- 1 (2) to the law enforcement agency that confiscated the firearm.
- 2 (c) If at least one hundred eighty (180) days have elapsed since the
- 3 sheriff's department or law enforcement agency received the firearm,
- 4 and:
- 5 (1) all reasonable attempts to locate the rightful owner of the
- 6 firearm have failed; or
- 7 (2) the rightful owner has been convicted of an offense related to
- 8 the misuse of a firearm;
- 9 the sheriff's department or law enforcement agency shall dispose of the
- 10 firearm as described in subsection (d).
- 11 (d) Subject to subsection (c), the receiving law enforcement agency
- 12 shall dispose of firearms under subsection (b), at the discretion of the
- 13 law enforcement agency, by use of any of the following procedures:
- 14 (1) Public sale of the firearms to the general public as follows:
- 15 (A) Notice of the sale shall be:
- 16 (i) posted for ten (10) days in the county courthouse in a
- 17 place readily accessible to the general public; and
- 18 (ii) advertised in the principal newspaper of the county for
- 19 two (2) days in an advertisement that appears in the
- 20 newspaper at least five (5) days prior to the sale.
- 21 (B) Disposition of the firearm shall be by public auction in a
- 22 place convenient to the general public, with disposition going
- 23 to the highest bidder. However, no firearm shall be transferred
- 24 to any bidder if that bidder is not lawfully eligible to receive
- 25 and possess firearms according to the laws of the United States
- 26 and Indiana.
- 27 (C) All handguns transferred under this subdivision shall also
- 28 be transferred according to the transfer procedures set forth in
- 29 this article.
- 30 (D) Money collected pursuant to the sales shall first be used to
- 31 defray the necessary costs of administering this subdivision
- 32 with any surplus to be:
- 33 (i) deposited into the receiving law enforcement agency's
- 34 firearms training fund, other appropriate training activities
- 35 fund, or any other fund that may be used by the receiving
- 36 law enforcement agency for the purchase and maintenance
- 37 of firearms, ammunition, vests, and other law enforcement
- 38 equipment; and
- 39 (ii) used by the agency exclusively to train law enforcement
- 40 officers in the proper use of firearms or other law
- 41 enforcement duties, and to purchase and maintain firearms,
- 42 ammunition, vests, and other law enforcement equipment.



- 1 A law enforcement agency may not sell a firearm to the general  
 2 public if the firearm is unsafe to operate because it has been  
 3 damaged or altered.
- 4 (2) Sale of the firearms to a licensed firearms dealer as follows:  
 5 (A) Notice of the sale must be:  
 6 (i) posted for ten (10) days in the county courthouse in a  
 7 place readily accessible to the general public; and  
 8 (ii) advertised in the principal newspaper of the county for  
 9 two (2) days in an advertisement that appears in the  
 10 newspaper at least five (5) days before the sale.
- 11 (B) Disposition of the firearm shall be by auction with  
 12 disposition going to the highest bidder who is a licensed  
 13 firearms dealer.
- 14 (C) Money collected from the sales shall first be used to defray  
 15 the necessary costs of administering this subdivision and any  
 16 surplus shall be:  
 17 (i) deposited into the receiving law enforcement agency's  
 18 firearms training fund, other appropriate training activities  
 19 fund, or any other fund that may be used by the receiving  
 20 law enforcement agency for the purchase and maintenance  
 21 of firearms, ammunition, vests, and other law enforcement  
 22 equipment; and  
 23 (ii) used by the agency exclusively to train law enforcement  
 24 officers in the proper use of firearms or other law  
 25 enforcement duties, and to purchase and maintain firearms,  
 26 ammunition, vests, and other law enforcement equipment.
- 27 A law enforcement agency may sell a firearm to a licensed  
 28 firearms dealer for salvage or repair, even if the firearm is unsafe  
 29 to operate because it has been damaged or altered.
- 30 (3) Sale or transfer of the firearms to another law enforcement  
 31 agency.
- 32 (4) Release to the state police department laboratory or other  
 33 forensic laboratory administered by the state or a political  
 34 subdivision (as defined in IC 36-1-2-13) for the purposes of  
 35 research, training, and comparison in conjunction with the  
 36 forensic examination of firearms evidence.
- 37 (5) Destruction of the firearms. A firearm that is to be destroyed  
 38 may be sold to a salvage company and destroyed by dismantling  
 39 the firearm for parts, scrap metal, or recycling, or for resale as  
 40 parts for other firearms.
- 41 **(6) Trade with:**  
 42 **(A) a licensed firearms dealer;**



- 1                   **(B) a licensed firearm manufacturer; or**  
2                   **(C) another law enforcement agency;**  
3                   **in exchange for new firearms, ammunition, vests, and other**  
4                   **law enforcement equipment for use by the law enforcement**  
5                   **agency.**
- 6           (e) A receiving law enforcement agency may, at its discretion,  
7 jointly sell firearms it has received with another law enforcement  
8 agency, or permit another law enforcement agency to sell firearms it  
9 has received on behalf of the receiving law enforcement agency. In any  
10 event, all confiscated firearms shall be disposed of as promptly as  
11 possible.
- 12           (f) When a firearm is delivered to the state police department  
13 laboratory or other forensic laboratory under subsection (d)(4) and the  
14 state police department laboratory or other forensic laboratory  
15 determines the laboratory has no further need for the firearm in  
16 question, the laboratory shall return the firearm to the law enforcement  
17 agency for disposal under subsection (d).
- 18           **(g) A law enforcement agency that disposes of a firearm under**  
19 **subsection (d)(6) shall maintain a record of each exchange made,**  
20 **including identification of the:**
- 21                   **(1) firearm that was exchanged;**  
22                   **(2) person with whom the exchange was made; and**  
23                   **(3) law enforcement equipment for which the firearm was**  
24                   **exchanged.**
- 25           **(h) A law enforcement agency's record of a firearm trade is a**  
26 **public record subject to IC 5-14-3.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1348, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1348 as introduced.)

FRYE R

Committee Vote: Yeas 11, Nays 0

