

# HOUSE BILL No. 1365

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2-190; IC 35-47-2-7.

**Synopsis:** Machine guns. Revises, for purposes of an enhancement and certain criminal offenses, a definition of "machine gun" to include a particular part or combination of parts designed and intended for use in converting a weapon into a weapon that fires automatically more than one shot, without manual reloading, by a single function of the trigger. Modifies a separate definition of "machine gun".

**Effective:** July 1, 2023.

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## Gore, Garcia Wilburn

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January 17, 2023, read first time and referred to Committee on Judiciary.

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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. 1365

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

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

1 SECTION 1. IC 35-31.5-2-190, AS ADDED BY P.L.114-2012,  
2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 190. "Machine gun" means **the following**:  
4 (1) A weapon that:  
5 (†) (A) shoots; or  
6 (‡) (B) can be readily restored to shoot;  
7 automatically more than one (1) shot, without manual reloading,  
8 by a single function of the trigger.  
9 (2) A:  
10 (A) part that is designed and intended solely and  
11 exclusively; or  
12 (B) combination of parts that are designed and intended;  
13 for use in converting a weapon into a weapon that fires  
14 automatically more than one (1) shot, without manual  
15 reloading, by a single function of the trigger.  
16 SECTION 2. IC 35-47-2-7, AS AMENDED BY P.L.183-2019,  
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2023]: Sec. 7. (a) As used in this section, "machine gun" **has**  
 2 **the meaning set forth in IC 35-31.5-2-190. For purposes of this**  
 3 **section, the term also includes:**

4 (1) ~~means any a~~ weapon that ~~shoots~~; is designed to shoot ~~or can~~  
 5 ~~be readily restored to shoot~~ automatically more than one (1) shot,  
 6 without manual reloading, by a single function of the trigger; ~~The~~  
 7 ~~term includes~~

8 (2) the frame or receiver of ~~any such a~~ weapon ~~any part designed~~  
 9 ~~and intended solely and exclusively~~; or a combination of parts  
 10 ~~designed and intended~~; for use in converting a weapon into a  
 11 ~~machine gun~~; and **described in subdivision (1) or**  
 12 **IC 35-31.5-2-190(1); and**

13 (3) any combination of parts from which a machine gun can be  
 14 assembled if such parts are in the possession or under the control  
 15 of a person.

16 (b) Except an individual acting within a parent-minor child or  
 17 guardian-minor protected person relationship or any other individual  
 18 who is also acting in compliance with IC 35-47-10 (governing children  
 19 and firearms) and federal law, a person may not sell, give, or in any  
 20 other manner transfer the ownership or possession of a handgun or  
 21 machine gun to any person under eighteen (18) years of age.

22 (c) A person who knowingly or intentionally sells, gives, or in any  
 23 other manner transfers ownership or possession of a machine gun to a  
 24 person under eighteen (18) years of age commits a Level 5 felony.  
 25 However, the offense is a Level 4 felony if the person who sells, gives,  
 26 or transfers ownership of the machine gun has a prior conviction under  
 27 this section, and a Level 3 felony if a person under eighteen (18) years  
 28 of age uses the machine gun to commit murder (IC 35-42-1-1).

29 (d) A person who knowingly or intentionally sells, gives, or in any  
 30 other manner transfers the ownership or possession of a handgun to  
 31 another person who the person knows:

32 (1) is ineligible for any reason other than the person's age to  
 33 purchase or otherwise receive from a dealer a handgun; or  
 34 (2) intends to use the handgun to commit a crime;

35 commits criminal transfer of a handgun, a Level 5 felony. However, the  
 36 offense is a Level 3 felony if the other person uses the handgun to  
 37 commit murder (IC 35-42-1-1).

38 (e) A person who purchases a handgun with the intent to:

39 (1) resell or otherwise provide the handgun to another person who  
 40 the person knows is ineligible for any reason to purchase or  
 41 otherwise receive from a dealer a handgun;

42 (2) resell or otherwise provide the handgun to another person who



1 the person knows intends to use the handgun to commit a crime;  
2 or  
3 (3) transport the handgun outside Indiana to be resold or  
4 otherwise provided to another person who the transferor knows:  
5 (A) is ineligible to purchase or otherwise receive a handgun;  
6 or  
7 (B) intends to use the handgun to commit a crime;  
8 commits the straw purchase of a handgun, a Level 5 felony. However,  
9 the offense is a Level 3 felony if the other person uses the handgun to  
10 commit murder (IC 35-42-1-1).  
11 (f) As used in this subsection, "NICS" has the meaning set forth in  
12 IC 35-47-2.5-2.5. It is a defense to a prosecution under subsection  
13 (d)(1) that:  
14 (1) the accused person contacted NICS (or had a dealer contact  
15 NICS on the person's behalf) to request a background check on  
16 the other person before the accused person sold, gave, or in any  
17 other manner transferred the ownership or possession of the  
18 handgun to the other person; and  
19 (2) the accused person (or dealer acting on the person's behalf)  
20 received authorization from NICS to sell, give, or in any other  
21 manner transfer ownership or possession of the handgun to the  
22 other person.

