

SENATE BILL No. 144

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2.

Synopsis: Minimum age to carry a handgun. Changes the minimum age required to carry a handgun to 21 years of age.

Effective: July 1, 2023.

Randolph Lonnie M

January 9, 2023, read first time and referred to Committee on Corrections and Criminal Law.



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.

SENATE BILL No. 144



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 35-47-2-1.5, AS ADDED BY P.L.175-2022,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 1.5. (a) The following terms are defined for this
4 section:
5 (1) "Adjudicated a mental defective" means a determination by a
6 court that a person:
7 (A) presents a danger to the person or to others; or
8 (B) lacks the mental capacity necessary to contract or manage
9 the person's affairs.
10 The term includes a finding of insanity by a court in a criminal
11 proceeding.
12 (2) "Alien" means any person who is not lawfully in the United
13 States. The term includes:
14 (A) any person who has:
15 (i) entered the United States without inspection and
16 authorization by an immigration officer; and
17 (ii) not been paroled into the United States under the federal



- 1 Immigration and Nationality Act;
 2 (B) a nonimmigrant:
 3 (i) whose authorized period of stay has expired; or
 4 (ii) who has violated the terms of the nonimmigrant category
 5 under which the person was admitted;
 6 (C) a person paroled under the federal Immigration and
 7 Nationality Act whose period of parole has:
 8 (i) expired; or
 9 (ii) been terminated; and
 10 (D) a person subject to an order:
 11 (i) of deportation, exclusion, or removal; or
 12 (ii) to depart the United States voluntarily;
 13 regardless of whether or not the person has left the United
 14 States.
 15 (3) "Committed to a mental institution" means the formal
 16 commitment of a person to a mental institution by a court. The
 17 term includes:
 18 (A) a commitment for:
 19 (i) a cognitive or mental defect; or
 20 (ii) a mental illness; and
 21 (B) involuntary commitments.
 22 The term does not include voluntary commitments or a
 23 commitment made for observational purposes.
 24 (4) "Crime of domestic violence" has the meaning set forth in
 25 IC 35-31.5-2-78.
 26 (5) "Dangerous" has the meaning set forth in IC 35-47-14-1.
 27 (6) "Fugitive from justice" means any person who:
 28 (A) flees or leaves from any state to avoid prosecution for a
 29 felony or misdemeanor offense; or
 30 (B) flees or leaves any state to avoid testifying in a criminal
 31 proceeding.
 32 (7) "Indictment" means any formal accusation of a crime made by
 33 a prosecuting attorney in any court for a crime punishable by a
 34 term of imprisonment exceeding one (1) year.
 35 (8) A crime or offense "punishable by a term of imprisonment
 36 exceeding one (1) year" does not include a federal or state crime
 37 or offense pertaining to antitrust violations, unfair trade practices,
 38 restraints of trade, or other similar offenses relating to the
 39 regulation of business practices.
 40 (b) Except as provided in subsections (c) and (d), the following
 41 persons may not knowingly or intentionally carry a handgun:
 42 (1) A person convicted of a federal or state offense punishable by



- 1 a term of imprisonment exceeding one (1) year.
- 2 (2) A fugitive from justice.
- 3 (3) An alien.
- 4 (4) A person convicted of:
- 5 (A) a crime of domestic violence (IC 35-31.5-2-78);
- 6 (B) domestic battery (IC 35-42-2-1.3); or
- 7 (C) criminal stalking (IC 35-45-10-5).
- 8 (5) A person restrained by an order of protection issued under
- 9 IC 34-26-5.
- 10 (6) A person under indictment.
- 11 (7) A person who has been:
- 12 (A) adjudicated dangerous under IC 35-47-14-6;
- 13 (B) adjudicated a mental defective; or
- 14 (C) committed to a mental institution.
- 15 (8) A person dishonorably discharged from:
- 16 (A) military service; or
- 17 (B) the National Guard.
- 18 (9) A person who renounces the person's United States citizenship
- 19 in the manner described in 8 U.S.C. 1481.
- 20 (10) A person who is less than:
- 21 (A) ~~eighteen (18)~~ **twenty-one (21)** years of age; or
- 22 (B) twenty-three (23) years of age and has an adjudication as
- 23 a delinquent child for an act described by IC 35-47-4-5;
- 24 unless authorized under IC 35-47-10.
- 25 (c) Subsection (b)(4)(A) and (b)(4)(B) does not apply to a person if
- 26 a court has restored the person's right to possess a firearm under
- 27 IC 35-47-4-7.
- 28 (d) A person who has:
- 29 (1) been adjudicated dangerous under IC 35-47-14-6; and
- 30 (2) successfully petitioned for the return of a firearm under
- 31 IC 35-47-14-8 with respect to the adjudication under subdivision
- 32 (1);
- 33 is not prohibited from carrying a handgun under subsection (b) on the
- 34 basis that the person was adjudicated dangerous under subdivision (1).
- 35 However, the person may still be prohibited from carrying a handgun
- 36 on one (1) or more of the other grounds listed in subsection (b).
- 37 (e) A person who violates this section commits unlawful carrying of
- 38 a handgun, a Class A misdemeanor. However, the offense is a Level 5
- 39 felony if:
- 40 (1) the offense is committed:
- 41 (A) on or in school property;
- 42 (B) within five hundred (500) feet of school property; or



- 1 (C) on a school bus; or
 2 (2) the person:
 3 (A) has a prior conviction of any offense under:
 4 (i) this section;
 5 (ii) section 1 of this chapter (carrying a handgun without a
 6 license) (before its repeal); or
 7 (iii) section 22 of this chapter; or
 8 (B) has been convicted of a felony within fifteen (15) years
 9 before the date of the offense.

10 SECTION 2. IC 35-47-2-3, AS AMENDED BY P.L.175-2022,
 11 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2023]: Sec. 3. (a) A person who is at least ~~eighteen (18)~~
 13 **twenty-one (21)** years of age and is not otherwise prohibited from
 14 carrying or possessing a handgun under state or federal law is not
 15 required to obtain or possess a license or permit from the state to carry
 16 a handgun in Indiana. A resident of this state who wishes to carry a
 17 firearm in another state under a reciprocity agreement entered into by
 18 this state and another state may obtain a license to carry a handgun in
 19 Indiana under this chapter by applying:

- 20 (1) to the chief of police or corresponding law enforcement officer
 21 of the municipality in which the applicant resides;
 22 (2) if that municipality has no such officer, or if the applicant does
 23 not reside in a municipality, to the sheriff of the county in which
 24 the applicant resides after the applicant has obtained an
 25 application form prescribed by the superintendent; or
 26 (3) if the applicant is a resident of another state and has a regular
 27 place of business or employment in Indiana, to the sheriff of the
 28 county in which the applicant has a regular place of business or
 29 employment.

30 The superintendent and local law enforcement agencies shall allow an
 31 applicant desiring to obtain or renew a license to carry a handgun to
 32 submit an application electronically under this chapter if funds are
 33 available to establish and maintain an electronic application system.

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

- 37 (1) From a person applying for a four (4) year handgun license, a
 38 ten dollar (\$10) application fee, five dollars (\$5) of which shall be
 39 refunded if the license is not issued.
 40 (2) From a person applying for a lifetime handgun license who
 41 does not currently possess a valid Indiana handgun license, a fifty
 42 dollar (\$50) application fee, thirty dollars (\$30) of which shall be



1 refunded if the license is not issued.

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

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

15 (c) This subsection applies after June 30, 2020, and before July 1,
16 2021. The law enforcement agency which accepts an application for a
17 handgun license shall not collect a fee from a person applying for a five
18 (5) year handgun license and shall collect the following application
19 fees:

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

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

28 Except as provided in subsection (j), the fee shall be deposited into the
29 law enforcement agency's firearms training fund or other appropriate
30 training activities fund and used by the agency to train law enforcement
31 officers in the proper use of firearms or in other law enforcement
32 duties, or to purchase firearms, firearm related equipment, or body
33 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
34 employed by the law enforcement agency. The state board of accounts
35 shall establish rules for the proper accounting and expenditure of funds
36 collected under this subsection.

37 (d) This subsection applies after June 30, 2021. The law
38 enforcement agency which accepts an application for a handgun license
39 shall not collect a fee from a person applying for a handgun license.

40 (e) The officer to whom the application is made shall ascertain the
41 applicant's name, full address, length of residence in the community,
42 whether the applicant's residence is located within the limits of any city



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

26 (f) The superintendent may make whatever further investigation the
27 superintendent deems necessary. Whenever disapproval is
28 recommended, the officer to whom the application is made shall
29 provide the superintendent and the applicant with the officer's complete
30 and specific reasons, in writing, for the recommendation of
31 disapproval.

32 (g) If it appears to the superintendent that the applicant:

33 (1) has a proper reason for receiving a license to carry a handgun;

34 (2) is of good character and reputation;

35 (3) is a proper person to be licensed; and

36 (4) is:

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

38 (B) not a citizen of the United States but is allowed to carry a

39 firearm in the United States under federal law;

40 the superintendent shall issue to the applicant a license to carry a
41 handgun in Indiana. The original license shall be delivered to the
42 licensee. A copy shall be delivered to the officer to whom the



1 application for license was made. A copy shall be retained by the
 2 superintendent for at least five (5) years in the case of a five (5) year
 3 license. The superintendent may adopt guidelines to establish a records
 4 retention policy for a lifetime license. A five (5) year license shall be
 5 valid for a period of five (5) years from the date of issue. A lifetime
 6 license is valid for the life of the individual receiving the license. The
 7 license of police officers, sheriffs or their deputies, and law
 8 enforcement officers of the United States government who have twenty
 9 (20) or more years of service shall be valid for the life of these
 10 individuals. However, a lifetime license is automatically revoked if the
 11 license holder does not remain a proper person.

12 (h) At the time a license is issued and delivered to a licensee under
 13 subsection (g), the superintendent shall include with the license
 14 information concerning firearms safety rules that:

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

17 (2) is:

18 (A) recommended by a nonprofit educational organization that
 19 is dedicated to providing education on safe handling and use
 20 of firearms;

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

22 (C) approved by the superintendent.

23 The superintendent may not deny a license under this section because
 24 the information required under this subsection is unavailable at the
 25 time the superintendent would otherwise issue a license. The state
 26 police department may accept private donations or grants to defray the
 27 cost of printing and mailing the information required under this
 28 subsection.

29 (i) A license to carry a handgun shall not be issued to any person
 30 who:

31 (1) has been convicted of a felony;

32 (2) has had a license to carry a handgun suspended, unless the
 33 person's license has been reinstated;

34 (3) is under ~~eighteen (18)~~ **twenty-one (21)** years of age;

35 (4) is under twenty-three (23) years of age if the person has been
 36 adjudicated a delinquent child for an act that would be a felony if
 37 committed by an adult;

38 (5) has been arrested for a Class A or Class B felony for an
 39 offense committed before July 1, 2014, for a Level 1, Level 2,
 40 Level 3, or Level 4 felony for an offense committed after June 30,
 41 2014, or any other felony that was committed while armed with
 42 a deadly weapon or that involved the use of violence, if a court



1 has found probable cause to believe that the person committed the
2 offense charged;

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

5 (7) is described in IC 35-47-2-1.5, unless exempted by
6 IC 35-47-2-1.5.

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

12 (j) If the law enforcement agency that charges a fee under
13 subsection (b) or (c) is a city or town law enforcement agency, the fee
14 shall be deposited in the law enforcement continuing education fund
15 established under IC 5-2-8-2.

16 (k) If a person who holds a valid license to carry a handgun issued
17 under this chapter:

18 (1) changes the person's name;

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

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

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

30 (l) The state police shall indicate on the form for a license to carry
31 a handgun the notification requirements of subsection (k).

32 (m) The state police department shall adopt rules under IC 4-22-2
33 to implement an electronic application system under subsection (a).
34 Rules adopted under this section must require the superintendent to
35 keep on file one (1) set of classifiable and legible fingerprints from
36 every person who has received a license to carry a handgun so that a
37 person who applies to renew a license will not be required to submit an
38 additional set of fingerprints.

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

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



- 1 (A) obtain; or
 2 (B) renew;
 3 a license to carry a handgun.
 4 (2) Information obtained by a federal, state, or local government
 5 entity in the course of an investigation concerning a person who
 6 applies to:
 7 (A) obtain; or
 8 (B) renew;
 9 a license to carry a handgun issued under this chapter.
 10 (3) The name, address, and any other information that may be
 11 used to identify a person who holds a license to carry a handgun
 12 issued under this chapter.
 13 (o) Notwithstanding subsection (n):
 14 (1) any information concerning an applicant for or a person who
 15 holds a license to carry a handgun issued under this chapter may
 16 be released to a federal, state, or local government entity:
 17 (A) for law enforcement purposes; or
 18 (B) to determine the validity of a license to carry a handgun;
 19 and
 20 (2) general information concerning the issuance of licenses to
 21 carry handguns in Indiana may be released to a person conducting
 22 journalistic or academic research, but only if all personal
 23 information that could disclose the identity of any person who
 24 holds a license to carry a handgun issued under this chapter has
 25 been removed from the general information.
 26 (p) A person who holds a valid license to carry a handgun under this
 27 chapter is licensed to carry a handgun in Indiana.
 28 (q) A person who knowingly or intentionally violates this section
 29 commits a Class B misdemeanor.

