

SENATE BILL No. 149

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-47.

Synopsis: Privately made firearms. Defines a "privately made firearm" and other related terms. Makes it a Level 5 felony to possess a privately made firearm. Makes it a Level 5 felony to alter, obliterate, or remove certain marks of firearm identification or to possess a firearm on which those marks of identification have been altered, obliterated, or removed.

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. 149

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 35-31.5-2-139.4 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2023]: **Sec. 139.4. "Frame", for purposes of**
4 **IC 35-47-1-5.4, has the meaning set forth in IC 35-47-1-5.3.**

5 SECTION 2. IC 35-31.5-2-246.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2023]: **Sec. 246.5. "Privately made firearm",**
8 **for purposes of IC 35-47, has the meaning set forth in**
9 **IC 35-47-1-5.4.**

10 SECTION 3. IC 35-31.5-2-267.9 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2023]: **Sec. 267.9. "Receiver", for purposes**
13 **of IC 35-47-1-5.4, has the meaning set forth in IC 35-47-1-8.5.**

14 SECTION 4. IC 35-31.5-2-345.5 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2023]: **Sec. 345.5. "Variant", for purposes of**
17 **IC 35-47-1-5.3 and IC 35-47-1-8.5, has the meaning set forth in**



1 **IC 35-47-1-12.5.**

2 SECTION 5. IC 35-47-1-5.3 IS ADDED TO THE INDIANA CODE
 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 4 1, 2023]: **Sec. 5.3. For purposes of section 5.4 of this chapter,**
 5 **"frame" means the part of a handgun or variant of a handgun that**
 6 **provides housing or a structure for the primary energized**
 7 **component designed to hold back the:**

- 8 (1) hammer;
 9 (2) striker;
 10 (3) bolt; or
 11 (4) component similar to the items listed in subdivisions (1)
 12 through (3);
 13 prior to initiation of the firing sequence, even if pins or other
 14 attachments are required to connect the component to the housing
 15 or structure.

16 SECTION 6. IC 35-47-1-5.4 IS ADDED TO THE INDIANA CODE
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 18 1, 2023]: **Sec. 5.4. (a) Except as provided in subsection (b),**
 19 **"privately made firearm" means a:**

- 20 (1) firearm that is completed, assembled, or otherwise
 21 produced:
 22 (A) by a person that does not possess a valid federal
 23 firearms license issued under 18 U.S.C. 923; or
 24 (B) without a serial number placed:
 25 (i) by a person that possesses a valid federal firearms
 26 license issued under 18 U.S.C. 923; and
 27 (ii) at the time the firearm was completed, assembled, or
 28 otherwise produced; or
 29 (2) frame or receiver:
 30 (A) that either:
 31 (i) has been assembled or otherwise produced by a
 32 person that does not possess a valid federal firearms
 33 license issued under 18 U.S.C. 923; or
 34 (ii) may be easily converted into a firearm by a person
 35 that does not possess a valid federal firearms license
 36 issued under 18 U.S.C. 923; or
 37 (B) without a serial number placed:
 38 (i) by a person that possesses a valid federal firearms
 39 license issued under 18 U.S.C. 923; and
 40 (ii) at the time the firearm was completed, assembled, or
 41 otherwise produced.
 42 (b) The term does not include a firearm that:



- 1 **(1) is identified and registered in the National Firearms**
 2 **Registration and Transfer Record under 26 U.S.C. 53; or**
 3 **(2) was manufactured or made before October 22, 1968,**
 4 **unless the firearm was remanufactured after that date.**

5 SECTION 7. IC 35-47-1-8.5 IS ADDED TO THE INDIANA CODE
 6 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 7 1, 2023]: **Sec. 8.5. For purposes of section 5.4 of this chapter,**
 8 **"receiver" means the part of a:**

- 9 **(1) rifle;**
 10 **(2) shotgun;**
 11 **(3) projectile weapon other than a handgun; or**
 12 **(4) a variant of a weapon listed in subdivisions (1) through (3);**
 13 **that provides housing or a structure for the primary component**
 14 **designed to block or seal the breech prior to initiation of the firing**
 15 **sequence, even if pins or other attachments are required to connect**
 16 **the component to the housing or structure.**

17 SECTION 8. IC 35-47-1-12.5 IS ADDED TO THE INDIANA
 18 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 19 [EFFECTIVE JULY 1, 2023]: **Sec. 12.5. For purposes of sections 5.3**
 20 **and 8.5 of this chapter, "variant" means a weapon that uses a**
 21 **similar frame or receiver design irrespective of new or different:**

- 22 **(1) model designations or configurations;**
 23 **(2) characteristics;**
 24 **(3) features;**
 25 **(4) components;**
 26 **(5) accessories; or**
 27 **(6) attachments.**

28 SECTION 9. IC 35-47-2-18, AS AMENDED BY P.L.142-2020,
 29 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2023]: **Sec. 18. (a) ~~No person shall:~~ A person may not:**

- 31 (1) remove, obliterate, or alter:
 32 **(A) the importer or manufacturer's serial number on any**
 33 **firearm; ~~or~~**
 34 **(B) the name of the manufacturer, model number, or**
 35 **manufacturer's number; or**
 36 **(C) any other mark of identification on a firearm;**
 37 (2) possess any firearm on which:
 38 **(A) the importer or manufacturer's serial number;**
 39 **(B) the name of the manufacturer, model number, or**
 40 **manufacturer's number; or**
 41 **(C) any other mark of identification on a firearm;**
 42 has been removed, obliterated, or altered; **or**



- 1 **(3) possess a privately made firearm.**
- 2 (b) A person who knowingly or intentionally violates this section
- 3 commits a Level 5 felony.

