

SENATE BILL No. 360

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 11-13-1-3.5; IC 14-16-1-23; IC 31-30-1-4; IC 34-30-2.1-566.5; IC 35-31.5-2; IC 35-33-1-1; IC 35-47; IC 35-50-2-13.

Synopsis: Firearms matters. Repeals the offense of unlawful carrying of a handgun. Makes it a Class A misdemeanor to carry a handgun without being licensed to carry a handgun. Specifies exceptions. Enhances the offense to a Level 5 felony in particular instances. Provides that a person who has been convicted of domestic battery may not possess or carry a handgun unless the right has been restored. Allows a person who is protected by a protection order and meets other requirements to carry a handgun without a license for 60 days after the protection order is issued. Provides that licenses to carry handguns are either qualified or unlimited and describes the distinction between the two. Specifies the burden of proof and grounds for dismissal for certain firearms offenses. Requires a person wishing to sell, trade, or transfer (transfer) a firearm to another person to transact the transfer through a dealer and provide the dealer with certain information. Specifies the background checks that a dealer must complete prior to the transaction. Permits a dealer to refuse to transact a firearm transfer. Requires a dealer to abort the transaction in other instances. Specifies requirements for a dealer who refuses to transact or aborts a firearm transfer. Makes a dealer immune from civil liability and damages in certain instances. Makes the offenses of firearm transfer fraud and the unlawful transfer of a firearm Level 6 felonies. Enhances both offenses in particular instances. Specifies exceptions and defenses. Requires a person to: (1) complete certain firearms safety training; and (2) present a certificate of completion of that training to a dealer; before purchasing a firearm. Prohibits a dealer from selling a firearm to a person who does not present a certificate of completion. Makes it a
(Continued next page)

Effective: Upon passage; July 1, 2023.

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January 12, 2023, read first time and referred to Committee on Corrections and Criminal Law.



Digest Continued

Class A misdemeanor for a: (1) dealer; (2) person approved to provide firearms training; or (3) prospective firearms purchaser; to commit certain offenses concerning a certificate of completion. Makes it a Class A misdemeanor for a dealer to fail to provide a safe storage device at the time of transacting a sale, trade, or transfer of a firearm. Provides that the prohibition on a political subdivision's regulation of certain matters concerning firearms does not apply to a county with a consolidated city. Defines terms. Makes conforming amendments and technical corrections.



Introduced

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. 360

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 5-2-1-9, AS AMENDED BY THE TECHNICAL
2 CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS
3 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
4 PASSAGE]: Sec. 9. (a) The board shall adopt in accordance with
5 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
6 The rules, which shall be adopted only after necessary and proper
7 investigation and inquiry by the board, shall include the establishment
8 of the following:
9 (1) A consistent and uniform statewide deadly force policy and
10 training program, that is consistent with state and federal law.
11 Upon adoption by the law enforcement training board, the policy
12 and training program must be implemented, without modification,
13 by all Indiana law enforcement agencies, offices, or departments.
14 (2) A consistent and uniform statewide defensive tactics policy
15 and training program, that is consistent with state and federal law.

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- 1 Upon adoption by the law enforcement training board, the policy
2 and training program must be implemented, without modification,
3 by all Indiana law enforcement agencies, offices, or departments.
4 (3) A uniform statewide minimum standard for vehicle pursuits
5 consistent with state and federal law.
6 (4) Minimum standards of physical, educational, mental, and
7 moral fitness which shall govern the acceptance of any person for
8 training by any law enforcement training school or academy
9 meeting or exceeding the minimum standards established
10 pursuant to this chapter.
11 (5) Minimum standards for law enforcement training schools
12 administered by towns, cities, counties, law enforcement training
13 centers, agencies, or departments of the state.
14 (6) Minimum standards for courses of study, attendance
15 requirements, equipment, and facilities for approved town, city,
16 county, and state law enforcement officer, police reserve officer,
17 and conservation reserve officer training schools.
18 (7) Minimum standards for a course of study on cultural diversity
19 awareness, including training on the U nonimmigrant visa created
20 through the federal Victims of Trafficking and Violence
21 Protection Act of 2000 (P.L. 106-386) that must be required for
22 each person accepted for training at a law enforcement training
23 school or academy. Cultural diversity awareness study must
24 include an understanding of cultural issues related to race,
25 religion, gender, age, domestic violence, national origin, and
26 physical and mental disabilities.
27 (8) Minimum qualifications for instructors at approved law
28 enforcement training schools.
29 (9) Minimum basic training requirements which law enforcement
30 officers appointed to probationary terms shall complete before
31 being eligible for continued or permanent employment.
32 (10) Minimum basic training requirements which law
33 enforcement officers appointed on other than a permanent basis
34 shall complete in order to be eligible for continued employment
35 or permanent appointment.
36 (11) Minimum basic training requirements which law
37 enforcement officers appointed on a permanent basis shall
38 complete in order to be eligible for continued employment.
39 (12) Minimum basic training requirements for each person
40 accepted for training at a law enforcement training school or
41 academy that include six (6) hours of training in interacting with:
42 (A) persons with autism, mental illness, addictive disorders,



- 1 intellectual disabilities, and developmental disabilities;
 2 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
 3 and
 4 (C) persons with Alzheimer's disease or related senile
 5 dementia;
 6 to be provided by persons approved by the secretary of family and
 7 social services and the board. The training must include an
 8 overview of the crisis intervention teams.
- 9 (13) Minimum standards for a course of study on human and
 10 sexual trafficking that must be required for each person accepted
 11 for training at a law enforcement training school or academy and
 12 for inservice training programs for law enforcement officers. The
 13 course must cover the following topics:
 14 (A) Examination of the human and sexual trafficking laws (IC
 15 35-42-3.5).
 16 (B) Identification of human and sexual trafficking.
 17 (C) Communicating with traumatized persons.
 18 (D) Therapeutically appropriate investigative techniques.
 19 (E) Collaboration with federal law enforcement officials.
 20 (F) Rights of and protections afforded to victims.
 21 (G) Providing documentation that satisfies the Declaration of
 22 Law Enforcement Officer for Victim of Trafficking in Persons
 23 (Form I-914, Supplement B) requirements established under
 24 federal law.
 25 (H) The availability of community resources to assist human
 26 and sexual trafficking victims.
- 27 (14) Minimum standards for ongoing specialized, intensive, and
 28 integrative training for persons responsible for investigating
 29 sexual assault cases involving adult victims. This training must
 30 include instruction on:
 31 (A) the neurobiology of trauma;
 32 (B) trauma informed interviewing; and
 33 (C) investigative techniques.
- 34 (15) Minimum standards for de-escalation training. De-escalation
 35 training shall be taught as a part of existing use-of-force training
 36 and not as a separate topic.
- 37 (16) Minimum standards regarding best practices for crowd
 38 control, protests, and First Amendment activities.
- 39 All statewide policies and minimum standards shall be documented in
 40 writing and published on the **Indiana law enforcement academy**
 41 (ILEA) website. Any policy, standard, or training program
 42 implemented, adopted, or promulgated by a vote of the board may only



1 subsequently be modified or rescinded by a two-thirds (2/3) majority
2 vote of the board.

3 (b) A law enforcement officer appointed after July 5, 1972, and
4 before July 1, 1993, may not enforce the laws or ordinances of the state
5 or any political subdivision unless the officer has, within one (1) year
6 from the date of appointment, successfully completed the minimum
7 basic training requirements established under this chapter by the board.
8 If a person fails to successfully complete the basic training
9 requirements within one (1) year from the date of employment, the
10 officer may not perform any of the duties of a law enforcement officer
11 involving control or direction of members of the public or exercising
12 the power of arrest until the officer has successfully completed the
13 training requirements. This subsection does not apply to any law
14 enforcement officer appointed before July 6, 1972, or after June 30,
15 1993.

16 (c) Military leave or other authorized leave of absence from law
17 enforcement duty during the first year of employment after July 6,
18 1972, shall toll the running of the first year, which shall be calculated
19 by the aggregate of the time before and after the leave, for the purposes
20 of this chapter.

21 (d) Except as provided in subsections (e), (m), (t), and (u), a law
22 enforcement officer appointed to a law enforcement department or
23 agency after June 30, 1993, may not:

- 24 (1) make an arrest;
- 25 (2) conduct a search or a seizure of a person or property; or
- 26 (3) carry a firearm;

27 unless the law enforcement officer successfully completes, at a board
28 certified law enforcement academy or at a law enforcement training
29 center under section 10.5 or 15.2 of this chapter, the basic training
30 requirements established by the board under this chapter.

31 (e) This subsection does not apply to:

- 32 (1) a gaming agent employed as a law enforcement officer by the
33 Indiana gaming commission; or
 - 34 (2) an:
 - 35 (A) attorney; or
 - 36 (B) investigator;
- 37 designated by the securities commissioner as a police officer of
38 the state under IC 23-19-6-1(k).

39 Before a law enforcement officer appointed after June 30, 1993,
40 completes the basic training requirements, the law enforcement officer
41 may exercise the police powers described in subsection (d) if the
42 officer successfully completes the pre-basic course established in



1 subsection (f). Successful completion of the pre-basic course authorizes
2 a law enforcement officer to exercise the police powers described in
3 subsection (d) for one (1) year after the date the law enforcement
4 officer is appointed.

5 (f) The board shall adopt rules under IC 4-22-2 to establish a
6 pre-basic course for the purpose of training:

7 (1) law enforcement officers;

8 (2) police reserve officers (as described in IC 36-8-3-20); and

9 (3) conservation reserve officers (as described in IC 14-9-8-27);

10 regarding the subjects of arrest, search and seizure, the lawful use of
11 force, de-escalation training, interacting with individuals with autism,
12 and the operation of an emergency vehicle. The pre-basic course must
13 be offered on a periodic basis throughout the year at regional sites
14 statewide. The pre-basic course must consist of at least forty (40) hours
15 of course work. The board may prepare the classroom part of the
16 pre-basic course using available technology in conjunction with live
17 instruction. The board shall provide the course material, the instructors,
18 and the facilities at the regional sites throughout the state that are used
19 for the pre-basic course. In addition, the board may certify pre-basic
20 courses that may be conducted by other public or private training
21 entities, including postsecondary educational institutions.

22 (g) Subject to subsection (h), the board shall adopt rules under
23 IC 4-22-2 to establish a mandatory inservice training program for
24 police officers and police reserve officers (as described in
25 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
26 satisfactorily completed basic training and has been appointed to a law
27 enforcement department or agency on either a full-time or part-time
28 basis is not eligible for continued employment unless the officer
29 satisfactorily completes the mandatory inservice training requirements
30 established by rules adopted by the board. Inservice training must
31 include de-escalation training. Inservice training must also include
32 training in interacting with persons with mental illness, addictive
33 disorders, intellectual disabilities, autism, developmental disabilities,
34 and Alzheimer's disease or related senile dementia, to be provided by
35 persons approved by the secretary of family and social services and the
36 board, and training concerning human and sexual trafficking and high
37 risk missing persons (as defined in IC 5-2-17-1). The board may
38 approve courses offered by other public or private training entities,
39 including postsecondary educational institutions, as necessary in order
40 to ensure the availability of an adequate number of inservice training
41 programs. The board may waive an officer's inservice training
42 requirements if the board determines that the officer's reason for



1 lacking the required amount of inservice training hours is due to either
2 an emergency situation or the unavailability of courses.

3 (h) This subsection applies only to a mandatory inservice training
4 program under subsection (g). Notwithstanding subsection (g), the
5 board may, without adopting rules under IC 4-22-2, modify the course
6 work of a training subject matter, modify the number of hours of
7 training required within a particular subject matter, or add a new
8 subject matter, if the board satisfies the following requirements:

9 (1) The board must conduct at least two (2) public meetings on
10 the proposed modification or addition.

11 (2) After approving the modification or addition at a public
12 meeting, the board must post notice of the modification or
13 addition on the Indiana law enforcement academy's ~~Internet web~~
14 **site website** at least thirty (30) days before the modification or
15 addition takes effect.

16 If the board does not satisfy the requirements of this subsection, the
17 modification or addition is void. This subsection does not authorize the
18 board to eliminate any inservice training subject matter required under
19 subsection (g).

20 (i) The board shall also adopt rules establishing a town marshal
21 basic training program, subject to the following:

22 (1) The program must require fewer hours of instruction and class
23 attendance and fewer courses of study than are required for the
24 mandated basic training program.

25 (2) Certain parts of the course materials may be studied by a
26 candidate at the candidate's home in order to fulfill requirements
27 of the program.

28 (3) Law enforcement officers successfully completing the
29 requirements of the program are eligible for appointment only in
30 towns employing the town marshal system (IC 36-5-7) and having
31 not more than one (1) marshal and two (2) deputies.

32 (4) The limitation imposed by subdivision (3) does not apply to an
33 officer who has successfully completed the mandated basic
34 training program.

35 (5) The time limitations imposed by subsections (b) and (c) for
36 completing the training are also applicable to the town marshal
37 basic training program.

38 (6) The program must require training in interacting with
39 individuals with autism.

40 (j) The board shall adopt rules under IC 4-22-2 to establish an
41 executive training program. The executive training program must
42 include training in the following areas:



- 1 (1) Liability.
 2 (2) Media relations.
 3 (3) Accounting and administration.
 4 (4) Discipline.
 5 (5) Department policy making.
 6 (6) Lawful use of force and de-escalation training.
 7 (7) Department programs.
 8 (8) Emergency vehicle operation.
 9 (9) Cultural diversity.
- 10 (k) A police chief shall apply for admission to the executive training
 11 program within two (2) months of the date the police chief initially
 12 takes office. A police chief must successfully complete the executive
 13 training program within six (6) months of the date the police chief
 14 initially takes office. However, if space in the executive training
 15 program is not available at a time that will allow completion of the
 16 executive training program within six (6) months of the date the police
 17 chief initially takes office, the police chief must successfully complete
 18 the next available executive training program that is offered after the
 19 police chief initially takes office.
- 20 (l) A police chief who fails to comply with subsection (k) may not
 21 continue to serve as the police chief until completion of the executive
 22 training program. For the purposes of this subsection and subsection
 23 (k), "police chief" refers to:
 24 (1) the police chief of any city;
 25 (2) the police chief of any town having a metropolitan police
 26 department; and
 27 (3) the chief of a consolidated law enforcement department
 28 established under IC 36-3-1-5.1.
- 29 A town marshal is not considered to be a police chief for these
 30 purposes, but a town marshal may enroll in the executive training
 31 program.
- 32 (m) A fire investigator in the department of homeland security
 33 appointed after December 31, 1993, is required to comply with the
 34 basic training standards established under this chapter.
- 35 (n) The board shall adopt rules under IC 4-22-2 to establish a
 36 program to certify handgun safety courses, including courses offered
 37 in the private sector, that meet standards approved by the board for
 38 training probation officers in handgun safety as required by
 39 ~~IC 11-13-1-3.5(2)~~ **IC 11-13-1-3.5(3)**.
- 40 (o) The board shall adopt rules under IC 4-22-2 to establish a
 41 refresher course for an officer who:
 42 (1) is hired by an Indiana law enforcement department or agency



- 1 as a law enforcement officer;
 2 (2) has not been employed as a law enforcement officer for:
 3 (A) at least two (2) years; and
 4 (B) less than six (6) years before the officer is hired under
 5 subdivision (1); and
 6 (3) completed at any time a basic training course certified or
 7 recognized by the board before the officer is hired under
 8 subdivision (1).
- 9 (p) An officer to whom subsection (o) applies must successfully
 10 complete the refresher course described in subsection (o) not later than
 11 six (6) months after the officer's date of hire, or the officer loses the
 12 officer's powers of:
 13 (1) arrest;
 14 (2) search; and
 15 (3) seizure.
- 16 (q) The board shall adopt rules under IC 4-22-2 to establish a
 17 refresher course for an officer who:
 18 (1) is appointed by an Indiana law enforcement department or
 19 agency as a reserve police officer; and
 20 (2) has not worked as a reserve police officer for at least two (2)
 21 years after:
 22 (A) completing the pre-basic course; or
 23 (B) leaving the individual's last appointment as a reserve
 24 police officer.
- 25 An officer to whom this subsection applies must successfully complete
 26 the refresher course established by the board in order to work as a
 27 reserve police officer.
- 28 (r) This subsection applies to an individual who, at the time the
 29 individual completes a board certified or recognized basic training
 30 course, has not been appointed as a law enforcement officer by an
 31 Indiana law enforcement department or agency. If the individual is not
 32 employed as a law enforcement officer for at least two (2) years after
 33 completing the basic training course, the individual must successfully
 34 retake and complete the basic training course as set forth in subsection
 35 (d).
- 36 (s) The board shall adopt rules under IC 4-22-2 to establish a
 37 refresher course for an individual who:
 38 (1) is appointed as a board certified instructor of law enforcement
 39 training; and
 40 (2) has not provided law enforcement training instruction for
 41 more than one (1) year after the date the individual's instructor
 42 certification expired.



1 An individual to whom this subsection applies must successfully
 2 complete the refresher course established by the board in order to
 3 renew the individual's instructor certification.

4 (t) This subsection applies only to a gaming agent employed as a
 5 law enforcement officer by the Indiana gaming commission. A gaming
 6 agent appointed after June 30, 2005, may exercise the police powers
 7 described in subsection (d) if:

8 (1) the agent successfully completes the pre-basic course
 9 established in subsection (f); and

10 (2) the agent successfully completes any other training courses
 11 established by the Indiana gaming commission in conjunction
 12 with the board.

13 (u) This subsection applies only to a securities enforcement officer
 14 designated as a law enforcement officer by the securities
 15 commissioner. A securities enforcement officer may exercise the police
 16 powers described in subsection (d) if:

17 (1) the securities enforcement officer successfully completes the
 18 pre-basic course established in subsection (f); and

19 (2) the securities enforcement officer successfully completes any
 20 other training courses established by the securities commissioner
 21 in conjunction with the board.

22 ~~(v)~~ As used in this section, "upper level policymaking position"
 23 refers to the following:

24 (1) If the authorized size of the department or town marshal
 25 system is not more than ten (10) members, the term refers to the
 26 position held by the police chief or town marshal.

27 (2) If the authorized size of the department or town marshal
 28 system is more than ten (10) members but less than fifty-one (51)
 29 members, the term refers to:

30 (A) the position held by the police chief or town marshal; and

31 (B) each position held by the members of the police
 32 department or town marshal system in the next rank and pay
 33 grade immediately below the police chief or town marshal.

34 (3) If the authorized size of the department or town marshal
 35 system is more than fifty (50) members, the term refers to:

36 (A) the position held by the police chief or town marshal; and

37 (B) each position held by the members of the police
 38 department or town marshal system in the next two (2) ranks
 39 and pay grades immediately below the police chief or town
 40 marshal.

41 ~~(w)~~ (v) This subsection applies only to a correctional police officer
 42 employed by the department of correction. A correctional police officer



1 may exercise the police powers described in subsection (d) if:
 2 (1) the officer successfully completes the pre-basic course
 3 described in subsection (f); and
 4 (2) the officer successfully completes any other training courses
 5 established by the department of correction in conjunction with
 6 the board.
 7 ~~(x)~~ **(w)** This subsection applies only to the sexual assault training
 8 described in subsection (a)(14). The board shall:
 9 (1) consult with experts on the neurobiology of trauma, trauma
 10 informed interviewing, and investigative techniques in developing
 11 the sexual assault training; and
 12 (2) develop the sexual assault training and begin offering the
 13 training not later than July 1, 2022.
 14 ~~(y)~~ **(x)** After July 1, 2023, a law enforcement officer who regularly
 15 investigates sexual assaults involving adult victims must complete the
 16 training requirements described in subsection (a)(14) within one (1)
 17 year of being assigned to regularly investigate sexual assaults involving
 18 adult victims.
 19 ~~(z)~~ **(y)** A law enforcement officer who regularly investigates sexual
 20 assaults involving adult victims may complete the training
 21 requirements described in subsection (a)(14) by attending a:
 22 (1) statewide or national training; or
 23 (2) department hosted local training.
 24 ~~(aa)~~ **(z)** Notwithstanding any other provisions of this section, the
 25 board is authorized to establish certain required standards of training
 26 and procedure.
 27 SECTION 2. IC 11-13-1-3.5, AS AMENDED BY P.L.175-2022,
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 3.5. A probation officer may not carry a
 30 handgun in any vehicle or on or about the probation officer's body as
 31 **described in IC 35-47-2-1** while acting in the scope of employment as
 32 a probation officer unless all of the following conditions are met:
 33 (1) The appointing court enters an order authorizing the probation
 34 officer to carry the handgun while on duty.
 35 **(2) The probation officer is issued a license to carry the**
 36 **handgun under IC 35-47-2.**
 37 ~~(2)~~ **(3)** The probation officer successfully completes a handgun
 38 safety course certified by the law enforcement training board
 39 under IC 5-2-1-9(n).
 40 SECTION 3. IC 14-16-1-23, AS AMENDED BY P.L.175-2022,
 41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 23. (a) An individual shall not operate a



- 1 vehicle under any of the following conditions:
- 2 (1) At a rate of speed greater than is reasonable and proper having
- 3 due regard for existing conditions or in a manner that
- 4 unnecessarily endangers the person or property of another.
- 5 (2) While:
- 6 (A) under the influence of an alcoholic beverage; or
- 7 (B) unlawfully under the influence of a narcotic or other habit
- 8 forming or dangerous depressant or stimulant drug.
- 9 (3) During the hours from thirty (30) minutes after sunset to thirty
- 10 (30) minutes before sunrise without displaying a lighted headlight
- 11 and a lighted taillight.
- 12 (4) In a forest nursery, a planting area, or public land posted or
- 13 reasonably identified as an area of forest or plant reproduction
- 14 and when growing stock may be damaged.
- 15 (5) On the frozen surface of public waters within:
- 16 (A) one hundred (100) feet of an individual not in or upon a
- 17 vehicle; or
- 18 (B) one hundred (100) feet of a fishing shanty or shelter;
- 19 except at a speed of not more than five (5) miles per hour.
- 20 (6) Unless the vehicle is equipped with a muffler in good working
- 21 order and in constant operation to prevent excessive or unusual
- 22 noise and annoying smoke.
- 23 (7) Within one hundred (100) feet of a dwelling between midnight
- 24 and 6:00 a.m., except on the individual's own property or property
- 25 under the individual's control or as an invited guest.
- 26 (8) On any property without the consent of the landowner or
- 27 tenant.
- 28 (9) While transporting on or in the vehicle a firearm, unless the
- 29 firearm is:
- 30 (A) unloaded; and
- 31 (B) securely encased or equipped with and made inoperative
- 32 by a manufactured keylocked trigger housing mechanism.
- 33 (10) On or across a cemetery or burial ground.
- 34 (11) Within one hundred (100) feet of a slide, ski, or skating area,
- 35 except for the purpose of servicing the area.
- 36 (12) On a railroad track or railroad right-of-way, except railroad
- 37 personnel in the performance of duties.
- 38 (13) In or upon a flowing river, stream, or creek, except for the
- 39 purpose of crossing by the shortest possible route, unless the
- 40 river, stream, or creek is of sufficient water depth to permit
- 41 movement by flotation of the vehicle at all times.
- 42 (14) An individual shall not operate a vehicle while a bow is



1 present in or on the vehicle if the nock of an arrow is in position
 2 on the string of the bow.

3 (b) Subsection (a)(9) does not apply to a person who is carrying a
 4 firearm:

5 (1) if:

6 (A) the firearm is a handgun; and

7 (B) the person is ~~not otherwise prohibited from possessing a~~
 8 ~~firearm under state or federal law; or has been issued an~~
 9 **unlimited handgun license to carry a handgun under**
 10 **IC 35-47-2;**

11 (2) if:

12 (A) **the firearm is a handgun; and**

13 (B) **the person is not required to possess a license to carry**
 14 **a handgun under IC 35-47-2-2.2; or**

15 ~~(2) (3)~~ (3) if the person carrying the firearm is operating the vehicle
 16 on property that the person:

17 (A) owns;

18 (B) has a contractual interest in;

19 (C) otherwise legally possesses; or

20 (D) has permission from a person described in clauses (A)
 21 through (C) to possess a firearm on.

22 SECTION 4. IC 31-30-1-4, AS AMENDED BY P.L.175-2022,
 23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 4. (a) The juvenile court does not have
 25 jurisdiction over an individual for an alleged violation of:

26 (1) IC 35-41-5-1(a) (attempted murder);

27 (2) IC 35-42-1-1 (murder);

28 (3) IC 35-42-3-2 (kidnapping);

29 (4) IC 35-42-4-1 (rape);

30 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);

31 (6) IC 35-42-5-1 (robbery) if:

32 (A) the robbery was committed while armed with a deadly
 33 weapon; or

34 (B) the robbery results in bodily injury or serious bodily
 35 injury;

36 (7) IC 35-42-5-2 (carjacking) (before its repeal);

37 ~~IC 35-47-2-1.5 (unlawful carrying of a handgun); if charged~~
 38 ~~as a felony; IC 35-47-2-1 (carrying a handgun without a~~
 39 **license), if charged as a felony;**

40 (9) IC 35-47-10 (children and firearms), if charged as a felony; or

41 (10) any offense that may be joined under IC 35-34-1-9(a)(2) with
 42 any crime listed in this subsection;



1 if the individual was at least sixteen (16) years of age but less than
2 eighteen (18) years of age at the time of the alleged violation.

3 (b) Once an individual described in subsection (a) has been charged
4 with any offense listed in subsection (a), the court having adult
5 criminal jurisdiction shall retain jurisdiction over the case if the
6 individual pleads guilty to or is convicted of any offense listed in
7 subsection (a)(1) through (a)(9).

8 (c) If:

9 (1) an individual described in subsection (a) is charged with one

10 (1) or more offenses listed in subsection (a);

11 (2) all the charges under subsection (a)(1) through (a)(9) resulted
12 in an acquittal or were dismissed; and

13 (3) the individual pleads guilty to or is convicted of any offense
14 other than an offense listed in subsection (a)(1) through (a)(9);

15 the court having adult criminal jurisdiction may withhold judgment and
16 transfer jurisdiction to the juvenile court for adjudication and
17 disposition. In determining whether to transfer jurisdiction to the
18 juvenile court for adjudication and disposition, the court having adult
19 criminal jurisdiction shall consider whether there are appropriate
20 services available in the juvenile justice system, whether the child is
21 amenable to rehabilitation under the juvenile justice system, and
22 whether it is in the best interests of the safety and welfare of the
23 community that the child be transferred to juvenile court. All orders
24 concerning release conditions remain in effect until a juvenile court
25 detention hearing, which must be held not later than forty-eight (48)
26 hours, excluding Saturdays, Sundays, and legal holidays, after the order
27 of transfer of jurisdiction.

28 SECTION 5. IC 34-30-2.1-566.5 IS ADDED TO THE INDIANA
29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2023]: **Sec. 566.5. IC 35-47-2.5-4.5**
31 **(Concerning the sale, trade, and transfer of firearms by firearms**
32 **dealers).**

33 SECTION 6. IC 35-31.5-2-25.5 IS ADDED TO THE INDIANA
34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
35 [EFFECTIVE UPON PASSAGE]: **Sec. 25.5. "Basic firearms safety**
36 **training program", for purposes of IC 35-47-1.5, has the meaning**
37 **set forth in IC 35-47-1.5-1.**

38 SECTION 7. IC 35-31.5-2-78, AS AMENDED BY P.L.175-2022,
39 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 UPON PASSAGE]: Sec. 78. "Crime of domestic violence", for
41 purposes of IC 5-2-6.1, IC 35-38-9, ~~IC 35-47-2-1.5~~, and IC 35-47-4-7,
42 means an offense or the attempt to commit an offense that:



1 (1) has as an element the:

2 (A) use of physical force; or

3 (B) threatened use of a deadly weapon; and

4 (2) is committed against a family or household member, as
5 defined in section 128 of this chapter.

6 SECTION 8. IC 35-31.5-2-210.5, AS ADDED BY P.L.66-2016,
7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2023]: Sec. 210.5. "NFA firearm", for purposes of
9 **IC 35-47-2.5-4.5 and IC 35-47-8.5**, has the meaning set forth in
10 IC 35-47-8.5-1.

11 SECTION 9. IC 35-31.5-2-273.4, AS ADDED BY P.L.58-2020,
12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2023]: Sec. 273.4. **(a)** "Relative", for purposes of IC 35-40.5,
14 has the meaning set forth in IC 35-40.5-1-1.

15 **(b) "Relative", for purposes of IC 35-47-2.5-4.5, has the**
16 **meaning set forth in IC 35-42-2-1(b).**

17 SECTION 10. IC 35-33-1-1, AS AMENDED BY P.L.175-2022,
18 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: Sec. 1. (a) A law enforcement officer may arrest
20 a person when the officer has:

21 (1) a warrant commanding that the person be arrested;

22 (2) probable cause to believe the person has committed or
23 attempted to commit, or is committing or attempting to commit,
24 a felony;

25 (3) probable cause to believe the person has violated the
26 provisions of IC 9-26-1-1.1 or IC 9-30-5;

27 (4) probable cause to believe the person is committing or
28 attempting to commit a misdemeanor in the officer's presence;

29 (5) probable cause to believe the person has committed a:

30 (A) battery resulting in bodily injury under IC 35-42-2-1; or

31 (B) domestic battery under IC 35-42-2-1.3.

32 The officer may use an affidavit executed by an individual alleged
33 to have direct knowledge of the incident alleging the elements of
34 the offense of battery to establish probable cause;

35 (6) probable cause to believe that the person violated
36 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;

37 (7) probable cause to believe that the person violated
38 ~~IC 35-47-2-1.5 (unlawful carrying of a handgun)~~ **IC 35-47-2-1**
39 **(carrying a handgun without a license)** or IC 35-47-2-22
40 (counterfeit handgun license);

41 (8) probable cause to believe that the person is violating or has
42 violated an order issued under IC 35-50-7;



- 1 (9) probable cause to believe that the person is violating or has
- 2 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
- 3 device);
- 4 (10) probable cause to believe that the person is:
- 5 (A) violating or has violated IC 35-45-2-5 (interference with
- 6 the reporting of a crime); and
- 7 (B) interfering with or preventing the reporting of a crime
- 8 involving domestic or family violence (as defined in
- 9 IC 34-6-2-34.5);
- 10 (11) probable cause to believe that the person has committed theft
- 11 (IC 35-43-4-2);
- 12 (12) a removal order issued for the person by an immigration
- 13 court;
- 14 (13) a detainer or notice of action for the person issued by the
- 15 United States Department of Homeland Security; or
- 16 (14) probable cause to believe that the person has been indicted
- 17 for or convicted of one (1) or more aggravated felonies (as
- 18 defined in 8 U.S.C. 1101(a)(43)).
- 19 (b) A person who:
- 20 (1) is employed full time as a federal enforcement officer;
- 21 (2) is empowered to effect an arrest with or without warrant for a
- 22 violation of the United States Code; and
- 23 (3) is authorized to carry firearms in the performance of the
- 24 person's duties;
- 25 may act as an officer for the arrest of offenders against the laws of this
- 26 state where the person reasonably believes that a felony has been or is
- 27 about to be committed or attempted in the person's presence.
- 28 SECTION 11. IC 35-47-1-2.7 IS ADDED TO THE INDIANA
- 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 30 [EFFECTIVE UPON PASSAGE]: **Sec. 2.7. "Basic firearms safety**
- 31 **training program", for purposes of IC 35-47-1.5, has the meaning**
- 32 **set forth in IC 35-47-1.5-1.**
- 33 SECTION 12. IC 35-47-1-6.5 IS ADDED TO THE INDIANA
- 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 35 [EFFECTIVE JULY 1, 2023]: **Sec. 6.5. "NFA firearm" has the**
- 36 **meaning set forth in IC 35-47-8.5-1.**
- 37 SECTION 13. IC 35-47-1-8.5 IS ADDED TO THE INDIANA
- 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 39 [EFFECTIVE JULY 1, 2023]: **Sec. 8.5. "Relative" has the meaning**
- 40 **set forth in IC 35-42-2-1(b).**
- 41 SECTION 14. IC 35-47-1.5 IS ADDED TO THE INDIANA CODE
- 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]:

2 **Chapter 1.5. Mandatory Firearms Training**

3 **Sec. 1. As used in this chapter, "basic firearms safety training**
4 **program" means a firearms training program approved by the**
5 **state police department under section 2 of this chapter.**

6 **Sec. 2. (a) Not later than June 1, 2023, the state police**
7 **department shall create a list of approved firearms training**
8 **programs.**

9 **(b) Not later than June 15, 2023, the state police department**
10 **shall:**

11 **(1) publish the list created under subsection (a) on the**
12 **department's website; and**

13 **(2) distribute the list created under subsection (a) to each**
14 **dealer located in Indiana.**

15 **Sec. 3. (a) This section applies after June 30, 2023.**

16 **(b) Before purchasing a firearm from a dealer, a person must:**

17 **(1) successfully complete a basic firearms safety training**
18 **program at a licensed firearms training facility; and**

19 **(2) present to the dealer at the time of purchase a certificate**
20 **of completion of the safety and training program described in**
21 **subdivision (1).**

22 **(c) The cost of participating in the basic firearms safety training**
23 **program must be paid by the person who participates in the**
24 **program.**

25 **(d) A dealer may not sell a firearm to a person who does not**
26 **present, at the time of sale, a certificate of completion under**
27 **subsection (b)(2).**

28 **(e) A dealer who knowingly or intentionally sells a firearm**
29 **without obtaining a certificate of completion:**

30 **(1) issued by a basic firearms safety training program; and**

31 **(2) from the prospective firearms purchaser under subsection**
32 **(d);**

33 **commits a Class A misdemeanor.**

34 **(f) A person who:**

35 **(1) is approved to provide firearms training under section 2**
36 **of this chapter; and**

37 **(2) knowingly or intentionally forges a certificate of**
38 **completion described in subsection (b)(2);**

39 **commits a Class A misdemeanor.**

40 **(g) A prospective firearms purchaser who knowingly or**
41 **intentionally forges a certificate of completion described in**
42 **subsection (b)(2) commits a Class A misdemeanor.**



1 **(h) If a person who:**

2 **(1) provides training in a program approved under section 2**
 3 **of this chapter; and**

4 **(2) knowingly or intentionally forges a certificate of**
 5 **completion described in subsection (b)(2) more than one (1)**
 6 **time;**

7 **the state police department shall remove the program described in**
 8 **subdivision (1) from the list of approved firearms training**
 9 **programs created under section 2 of this chapter.**

10 SECTION 15. IC 35-47-2-1, AS AMENDED BY P.L.175-2022,
 11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 1. (a) ~~A person who meets the following~~
 13 ~~requirements may carry a handgun in the manner described in~~
 14 ~~subsection (b):~~

15 ~~(1) The person is not prohibited from possessing or carrying a~~
 16 ~~handgun under federal law as in effect on January 1, 2022.~~

17 ~~(2) Notwithstanding section 1.5 of this chapter, the person is not~~
 18 ~~otherwise prohibited under state law from possessing or carrying~~
 19 ~~a handgun.~~

20 ~~(3) The person does not meet the requirements under~~
 21 ~~IC 35-47-2-3 to receive a license to carry a handgun in Indiana.~~
 22 **Except as provided in subsections (b) and (c) and sections 2.2**
 23 **and 2.3 of this chapter, a person shall not carry a handgun in**
 24 **any vehicle or on or about the person's body without being**
 25 **licensed under this chapter to carry a handgun.**

26 **(b) Except as provided in subsection (c), a person may carry a**
 27 **handgun without being licensed under this chapter to carry a handgun**
 28 **if:**

29 **(1) the person carries the handgun on or about the person's body**
 30 **in or on property that is owned, leased, rented, or otherwise**
 31 **legally controlled by the person;**

32 **(2) the person carries the handgun on or about the person's body**
 33 **while lawfully present in or on property that is owned, leased,**
 34 **rented, or otherwise legally controlled by another person, if the**
 35 **person:**

36 **(A) has the consent of the owner, renter, lessor, or person who**
 37 **legally controls the property to have the handgun on the**
 38 **premises;**

39 **(B) is attending a firearms related event on the property,**
 40 **including a gun show, firearms expo, gun owner's club or**
 41 **convention, hunting club, shooting club, or training course; or**

42 **(C) is on the property to receive firearms related services,**



- 1 including the repair, maintenance, or modification of a
 2 firearm;
- 3 (3) the person carries the handgun in a vehicle that is owned,
 4 leased, rented, or otherwise legally controlled by the person, if the
 5 handgun is:
- 6 (A) unloaded;
- 7 (B) not readily accessible; and
- 8 (C) secured in a case;
- 9 (4) the person carries the handgun while lawfully present in a
 10 vehicle that is owned, leased, rented, or otherwise legally
 11 controlled by another person, if the handgun is:
- 12 (A) unloaded;
- 13 (B) not readily accessible; and
- 14 (C) secured in a case; ~~or~~
- 15 (5) the person carries the handgun:
- 16 (A) at a shooting range (as defined in IC 14-22-31.5-3);
- 17 (B) while attending a firearms instructional course; or
- 18 (C) while engaged in a legal hunting activity; ~~or~~
- 19 **(6) the person is permitted to carry a handgun without a**
 20 **license under section 2.3 of this chapter (persons protected by**
 21 **a protection order).**
- 22 **(c) Unless the person's right to possess a firearm has been**
 23 **restored under IC 35-47-4-7, a person who has been convicted of**
 24 **domestic battery under IC 35-42-2-1.3 may not possess or carry a**
 25 **handgun.**
- 26 ~~(e)~~ **(d)** This ~~chapter section~~ may not be construed:
- 27 (1) to prohibit a person who owns, leases, rents, or otherwise
 28 legally controls private property from regulating or prohibiting the
 29 possession of firearms on the private property;
- 30 (2) to allow a person to adopt or enforce an ordinance, resolution,
 31 policy, or rule that:
- 32 (A) prohibits; or
- 33 (B) has the effect of prohibiting;
 34 an employee of the person from possessing a firearm or
 35 ammunition that is locked in the trunk of the employee's vehicle,
 36 kept in the glove compartment of the employee's locked vehicle,
 37 or stored out of plain sight in the employee's locked vehicle,
 38 unless the person's adoption or enforcement of the ordinance,
 39 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or
- 40 (3) to allow a person to adopt or enforce a law, statute, ordinance,
 41 resolution, policy, or rule that allows a person to possess or
 42 transport a firearm or ammunition if the person is prohibited from



1 possessing or transporting the firearm or ammunition by state or
2 federal law.

3 (d) Nothing in this chapter may be construed to affect the status or
4 validity of a five (5) year or lifetime license to carry a handgun issued
5 by the superintendent before July 1, 2022. Any license described under
6 this subsection shall remain valid for the duration of the license or the
7 lifetime of the licensee, as applicable.

8 (e) A person who knowingly or intentionally violates this section
9 commits a Class A misdemeanor. However, the offense is a Level
10 5 felony:

11 (1) if the offense is committed:

12 (A) on or in school property;

13 (B) within five hundred (500) feet of school property; or

14 (C) on a school bus; or

15 (2) if the person:

16 (A) has a prior conviction of any offense under:

17 (i) this section; or

18 (ii) section 22 of this chapter; or

19 (B) has been convicted of a felony within fifteen (15) years
20 before the date of the offense.

21 SECTION 16. IC 35-47-2-1.5 IS REPEALED [EFFECTIVE UPON
22 PASSAGE]. Sec. 1-5: (a) The following terms are defined for this
23 section:

24 (1) "Adjudicated a mental defective" means a determination by a
25 court that a person:

26 (A) presents a danger to the person or to others; or

27 (B) lacks the mental capacity necessary to contract or manage
28 the person's affairs.

29 The term includes a finding of insanity by a court in a criminal
30 proceeding:

31 (2) "Alien" means any person who is not lawfully in the United
32 States. The term includes:

33 (A) any person who has:

34 (i) entered the United States without inspection and
35 authorization by an immigration officer; and

36 (ii) not been paroled into the United States under the federal
37 Immigration and Nationality Act;

38 (B) a nonimmigrant:

39 (i) whose authorized period of stay has expired; or

40 (ii) who has violated the terms of the nonimmigrant category
41 under which the person was admitted;

42 (C) a person paroled under the federal Immigration and



- 1 Nationality Act whose period of parole has:
 2 (i) expired; or
 3 (ii) been terminated; and
 4 (D) a person subject to an order:
 5 (i) of deportation, exclusion, or removal; or
 6 (ii) to depart the United States voluntarily;
 7 regardless of whether or not the person has left the United
 8 States.
- 9 (3) "Committed to a mental institution" means the formal
 10 commitment of a person to a mental institution by a court. The
 11 term includes:
 12 (A) a commitment for:
 13 (i) a cognitive or mental defect; or
 14 (ii) a mental illness; and
 15 (B) involuntary commitments.
- 16 The term does not include voluntary commitments or a
 17 commitment made for observational purposes.
- 18 (4) "Crime of domestic violence" has the meaning set forth in
 19 IC 35-31.5-2-78.
- 20 (5) "Dangerous" has the meaning set forth in IC 35-47-14-1.
- 21 (6) "Fugitive from justice" means any person who:
 22 (A) flees or leaves from any state to avoid prosecution for a
 23 felony or misdemeanor offense; or
 24 (B) flees or leaves any state to avoid testifying in a criminal
 25 proceeding.
- 26 (7) "Indictment" means any formal accusation of a crime made by
 27 a prosecuting attorney in any court for a crime punishable by a
 28 term of imprisonment exceeding one (1) year.
- 29 (8) A crime or offense "punishable by a term of imprisonment
 30 exceeding one (1) year" does not include a federal or state crime
 31 or offense pertaining to antitrust violations, unfair trade practices,
 32 restraints of trade, or other similar offenses relating to the
 33 regulation of business practices.
- 34 (b) Except as provided in subsections (c) and (d), the following
 35 persons may not knowingly or intentionally carry a handgun:
 36 (1) A person convicted of a federal or state offense punishable by
 37 a term of imprisonment exceeding one (1) year.
 38 (2) A fugitive from justice.
 39 (3) An alien.
 40 (4) A person convicted of:
 41 (A) a crime of domestic violence (IC 35-31.5-2-78);
 42 (B) domestic battery (IC 35-42-2-1.3); or



- 1 (C) criminal stalking (IC 35-45-10-5);
- 2 (5) A person restrained by an order of protection issued under
- 3 IC 34-26-5;
- 4 (6) A person under indictment;
- 5 (7) A person who has been:
- 6 (A) adjudicated dangerous under IC 35-47-14-6;
- 7 (B) adjudicated a mental defective; or
- 8 (C) committed to a mental institution;
- 9 (8) A person dishonorably discharged from:
- 10 (A) military service; or
- 11 (B) the National Guard;
- 12 (9) A person who renounces the person's United States citizenship
- 13 in the manner described in 8 U.S.C. 1481;
- 14 (10) A person who is less than:
- 15 (A) eighteen (18) years of age; or
- 16 (B) twenty-three (23) years of age and has an adjudication as
- 17 a delinquent child for an act described by IC 35-47-4-5;
- 18 unless authorized under IC 35-47-10.
- 19 (c) Subsection (b)(4)(A) and (b)(4)(B) does not apply to a person if
- 20 a court has restored the person's right to possess a firearm under
- 21 IC 35-47-4-7.
- 22 (d) A person who has:
- 23 (1) been adjudicated dangerous under IC 35-47-14-6; and
- 24 (2) successfully petitioned for the return of a firearm under
- 25 IC 35-47-14-8 with respect to the adjudication under subdivision
- 26 (1);
- 27 is not prohibited from carrying a handgun under subsection (b) on the
- 28 basis that the person was adjudicated dangerous under subdivision (1);
- 29 However, the person may still be prohibited from carrying a handgun
- 30 on one (1) or more of the other grounds listed in subsection (b);
- 31 (e) A person who violates this section commits unlawful carrying of
- 32 a handgun, a Class A misdemeanor. However, the offense is a Level 5
- 33 felony if:
- 34 (1) the offense is committed:
- 35 (A) on or in school property;
- 36 (B) within five hundred (500) feet of school property; or
- 37 (C) on a school bus; or
- 38 (2) the person:
- 39 (A) has a prior conviction of any offense under:
- 40 (i) this section;
- 41 (ii) section 1 of this chapter (carrying a handgun without a
- 42 license) (before its repeal); or



1 (iii) section 22 of this chapter; or
 2 (B) has been convicted of a felony within fifteen (15) years
 3 before the date of the offense.

4 SECTION 17. IC 35-47-2-2.2 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. Section 1 of this chapter**
 7 **does not apply to:**

- 8 (1) marshals;
 9 (2) sheriffs;
 10 (3) the commissioner of the department of correction or
 11 persons authorized by the commissioner in writing to carry
 12 firearms;
 13 (4) judicial officers;
 14 (5) law enforcement officers;
 15 (6) members of the armed forces of the United States or of the
 16 national guard or organized reserves while they are on duty;
 17 (7) regularly enrolled members of any organization duly
 18 authorized to purchase or receive such weapons from the
 19 United States or from this state who are at or are going to or
 20 from their place of assembly or target practice;
 21 (8) employees of the United States duly authorized to carry
 22 handguns;
 23 (9) employees of express companies when engaged in company
 24 business; or
 25 (10) any person engaged in the business of manufacturing,
 26 repairing, or dealing in firearms or the agent or
 27 representative of any such person having in the person's
 28 possession, using, or carrying a handgun in the usual or
 29 ordinary course of that business.

30 SECTION 18. IC 35-47-2-2.3 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE UPON PASSAGE]: **Sec. 2.3. (a) As used in this section,**
 33 **"protection order" means a civil protection order issued under**
 34 **IC 34-26-5.**

35 (b) A person may carry a handgun without a license if the
 36 person:

- 37 (1) has applied for a license to carry a handgun as described
 38 in IC 35-47-2-3;
 39 (2) is protected by a protection order;
 40 (3) is at least eighteen (18) years of age; and
 41 (4) is not otherwise barred by state or federal law from
 42 possessing a handgun;



1 **during the period described in subsection (c).**

2 **(c) A person described in subsection (b) may carry a handgun**
 3 **without a license for a period ending sixty (60) days after the date**
 4 **the protection order is issued.**

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

15 (1) to the chief of police or corresponding law enforcement officer
 16 of the municipality in which the applicant resides;

17 (2) if that municipality has no such officer, or if the applicant does
 18 not reside in a municipality, to the sheriff of the county in which
 19 the applicant resides after the applicant has obtained an
 20 application form prescribed by the superintendent; or

21 (3) if the applicant is a resident of another state and has a regular
 22 place of business or employment in Indiana, to the sheriff of the
 23 county in which the applicant has a regular place of business or
 24 employment.

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

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

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

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

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



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

10 (c) This subsection applies after June 30, 2020, and before July 1,
 11 2021. The law enforcement agency which accepts an application for a
 12 handgun license shall not collect a fee from a person applying for a five
 13 (5) year handgun license and shall collect the following application
 14 fees:

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

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

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

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

35 (e) The officer to whom the application is made shall ascertain the
 36 applicant's name, full address, length of residence in the community,
 37 whether the applicant's residence is located within the limits of any city
 38 or town, the applicant's occupation, place of business or employment,
 39 criminal record, if any, and convictions (minor traffic offenses
 40 excepted), age, race, sex, nationality, date of birth, citizenship, height,
 41 weight, build, color of hair, color of eyes, scars and marks, whether the
 42 applicant has previously held an Indiana license to carry a handgun



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

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

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

28 (1) has a proper reason for ~~receiving a license to carry a handgun;~~
 29 **carrying a handgun;**

30 (2) is of good character and reputation;

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

32 (4) is:

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

34 (B) not a citizen of the United States but is allowed to carry a
 35 firearm in the United States under federal law;

36 the superintendent shall issue to the applicant a **qualified or an**
 37 **unlimited** license to carry ~~a any handgun in Indiana.~~ **lawfully**
 38 **possessed by the applicant.** The original license shall be delivered to
 39 the licensee. A copy shall be delivered to the officer to whom the
 40 application for license was made. A copy shall be retained by the
 41 superintendent for at least five (5) years in the case of a five (5) year
 42 license. The superintendent may adopt guidelines to establish a records



1 retention policy for a lifetime license. A five (5) year license shall be
 2 valid for a period of five (5) years from the date of issue. A lifetime
 3 license is valid for the life of the individual receiving the license. The
 4 license of police officers, sheriffs or their deputies, and law
 5 enforcement officers of the United States government who have twenty
 6 (20) or more years of service shall be valid for the life of these
 7 individuals. However, a lifetime license is automatically revoked if the
 8 license holder does not remain a proper person.

9 (h) At the time a license is issued and delivered to a licensee under
 10 subsection (g), the superintendent shall include with the license
 11 information concerning ~~firearms~~ **handgun** safety rules that:

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

14 (2) is:

15 (A) recommended by a nonprofit educational organization that
 16 is dedicated to providing education on safe handling and use
 17 of firearms;

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

19 (C) approved by the superintendent.

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

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

28 (1) has been convicted of a felony;

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

31 (3) is under eighteen (18) years of age;

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

35 (5) has been arrested for a Class A or Class B felony for an
 36 offense committed before July 1, 2014, for a Level 1, Level 2,
 37 Level 3, or Level 4 felony for an offense committed after June 30,
 38 2014, or any other felony that was committed while armed with
 39 a deadly weapon or that involved the use of violence, if a court
 40 has found probable cause to believe that the person committed the
 41 offense charged; **or**

42 (6) is prohibited by federal law from possessing or receiving



1 firearms under 18 U.S.C. 922(g). ~~or~~
 2 ~~(7) is described in IC 35-47-2-1.5, unless exempted by~~
 3 ~~IC 35-47-2-1.5.~~

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

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

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

- 15 (1) changes the person's name;
- 16 (2) changes the person's address; or
- 17 (3) experiences a change, including an arrest or a conviction, that
 18 may affect the person's status as a proper person (as defined in
 19 IC 35-47-1-7) or otherwise disqualify the person from holding a
 20 license;

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

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

29 (m) The state police department shall adopt rules under IC 4-22-2
 30 to:

- 31 **(1) implement an electronic application system under subsection**
- 32 **(a); and**
- 33 **(2) expedite the processing of an application made by a person**
- 34 **described in section 2.3(b) of this chapter.**

35 Rules adopted under this section must require the superintendent to
 36 keep on file one (1) set of classifiable and legible fingerprints from
 37 every person who has received a license to carry a handgun so that a
 38 person who applies to renew a license will not be required to submit an
 39 additional set of fingerprints.

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



- 1 (1) Information submitted by a person under this section to:
 2 (A) obtain; or
 3 (B) renew;
 4 a license to carry a handgun.
 5 (2) Information obtained by a federal, state, or local government
 6 entity in the course of an investigation concerning a person who
 7 applies to:
 8 (A) obtain; or
 9 (B) renew;
 10 a license to carry a handgun issued under this chapter.
 11 (3) The name, address, and any other information that may be
 12 used to identify a person who holds a license to carry a handgun
 13 issued under this chapter.
 14 (o) Notwithstanding subsection (n):
 15 (1) any information concerning an applicant for or a person who
 16 holds a license to carry a handgun issued under this chapter may
 17 be released to a federal, state, or local government entity:
 18 (A) for law enforcement purposes; or
 19 (B) to determine the validity of a license to carry a handgun;
 20 and
 21 (2) general information concerning the issuance of licenses to
 22 carry handguns in Indiana may be released to a person conducting
 23 journalistic or academic research, but only if all personal
 24 information that could disclose the identity of any person who
 25 holds a license to carry a handgun issued under this chapter has
 26 been removed from the general information.
 27 ~~(p) A person who holds a valid license to carry a handgun under this~~
 28 ~~chapter is licensed to carry a handgun in Indiana.~~
 29 ~~(q)~~ **(p)** A person who knowingly or intentionally violates this section
 30 commits a Class B misdemeanor.
 31 SECTION 20. IC 35-47-2-4, AS AMENDED BY P.L.175-2022,
 32 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 4. (a) Licenses to carry handguns ~~issued under~~
 34 ~~section 3 of this chapter~~ **shall be either qualified or unlimited, and**
 35 are valid for:
 36 (1) five (5) years from the date of issue in the case of a five (5)
 37 year license; or
 38 (2) the life of the individual receiving the license in the case of a
 39 lifetime license.
 40 **A qualified license shall be issued for hunting and target practice.**
 41 **An individual may separately apply for and simultaneously hold**
 42 **both a five (5) year license and a lifetime license. The**



1 **superintendent may adopt rules imposing limitations on the use**
 2 **and carrying of handguns under a license when handguns are**
 3 **carried by a licensee as a condition of employment. Unlimited**
 4 **licenses shall be issued for the purpose of the protection of life and**
 5 **property.**

6 (b) There is no fee for a **qualified or unlimited** license. ~~to carry a~~
 7 ~~handgun.~~ The superintendent shall charge a twenty dollar (\$20) fee for
 8 the issuance of a duplicate license to replace a lost or damaged license.
 9 This fee shall be deposited in accordance with subsection (c).

10 (c) Fees collected under this section shall be deposited in the state
 11 general fund.

12 (d) The superintendent may not issue a lifetime **qualified license or**
 13 **a lifetime unlimited** license to a person who is a resident of another
 14 state. The superintendent may issue a five (5) year **qualified license or**
 15 **a five (5) year unlimited** license to a person who is a resident of
 16 another state and who has a regular place of business or employment
 17 in Indiana as described in section 3(a)(3) of this chapter.

18 (e) A person who knowingly or intentionally violates this section
 19 commits a Class B misdemeanor.

20 SECTION 21. IC 35-47-2-25 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE UPON PASSAGE]: **Sec. 25. (a) In an information or**
 23 **indictment brought for the enforcement of any provision of this**
 24 **chapter, it is not necessary to negate any exemption specified under**
 25 **this chapter, or to allege the absence of a license required under**
 26 **this chapter. The burden of proof is on the defendant to prove that**
 27 **the defendant is exempt under section 2.2 of this chapter, or that**
 28 **the defendant has a license as required under this chapter.**

29 (b) **Whenever a person who has been arrested or charged with**
 30 **a violation of section 1 of this chapter presents a valid license to the**
 31 **prosecuting attorney or establishes that the person is exempt under**
 32 **section 2.2 of this chapter, any prosecution for a violation of section**
 33 **1 of this chapter shall be dismissed immediately, and all records of**
 34 **an arrest or proceedings following arrest shall be destroyed**
 35 **immediately.**

36 SECTION 22. IC 35-47-2.5-1, AS AMENDED BY P.L.175-2022,
 37 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 1. (a) Sections 2 through 5 of this chapter do
 39 not apply to the following:

40 (1) Transactions between persons who are licensed as firearms
 41 importers or collectors or firearms manufacturers or dealers under
 42 18 U.S.C. 923.



1 (2) Purchases by or sales to a law enforcement officer or agent of
2 the United States, the state, or a county or local government.

3 (3) Indiana residents ~~in possession of a license described in~~
4 ~~IC 35-47-2-3.~~ **licensed to carry handguns under IC 35-47-2-3.**

5 (b) Notwithstanding any other provision of this chapter, the state
6 shall participate in the NICS if federal funds are available to assist the
7 state in participating in the NICS. If:

8 (1) the state participates in the NICS; and

9 (2) there is a conflict between:

10 (A) a provision of this chapter; and

11 (B) a procedure required under the NICS;

12 the procedure required under the NICS prevails over the conflicting
13 provision of this chapter.

14 SECTION 23. IC 35-47-2.5-4.5 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2023]: **Sec. 4.5. (a) This section does not**
17 **apply to:**

18 (1) a law enforcement officer acting within the scope of the
19 officer's official duties;

20 (2) active duty members of the armed forces of the United
21 States acting within the scope of their official duties;

22 (3) any action or activity described in IC 35-47-10-1(b);

23 (4) the temporary transfer of a firearm to another person:

24 (A) while at a shooting range (as defined in
25 IC 14-22-31.5-3);

26 (B) for the purpose of providing or receiving instruction
27 during a firearms instructional course; or

28 (C) for the purpose of engaging in a legal hunting activity;

29 (5) the receipt of a firearm by a gunsmith or armorer for the
30 purpose of repair or modification;

31 (6) the receipt of a firearm by a person who is:

32 (A) required to carry, handle, or transport a firearm as a
33 result of a commercial or professional responsibility; and

34 (B) acting within the scope of the person's commercial or
35 professional responsibilities at the time of the person's
36 receipt, possession, or transfer of the firearm;

37 (7) a dealer who is selling, trading, or transferring a firearm
38 to another dealer; or

39 (8) a person who transfers a firearm to a relative.

40 (b) A person who wishes to sell, trade, or transfer a firearm to
41 another person must:

42 (1) transact the sale, trade, or transfer through a dealer; and



- 1 **(2) provide the dealer with:**
 2 **(A) the name, date of birth, and residential address of the**
 3 **seller of the firearm;**
 4 **(B) the name, date of birth, and residential address of the**
 5 **recipient of the firearm;**
 6 **(C) any other information required by:**
 7 **(i) Form 4473; or**
 8 **(ii) the dealer;**
 9 **for the purpose of submitting the respective identities of**
 10 **the seller and recipient to NICS; and**
 11 **(D) a certificate of completion under IC 35-47-1.5-3.**
 12 **(c) A dealer must do the following before transacting any sale,**
 13 **trade, or transfer of a firearm between private parties:**
 14 **(1) Successfully contact NICS.**
 15 **(2) Receive authorization from NICS to complete the**
 16 **requested sale, trade, or transfer of the firearm before**
 17 **performing the requested sale, trade, or transfer.**
 18 **(3) Comply with all applicable federal laws concerning the**
 19 **private sale, trade, or transfer of a firearm.**
 20 **(4) Receive from the intended recipient of the firearm a**
 21 **certificate of completion under IC 35-47-1.5-3.**
 22 **(d) A dealer may:**
 23 **(1) charge a fee for the dealer's role in transacting the sale,**
 24 **trade, or transfer of a firearm; and**
 25 **(2) refuse to transact the sale, trade, or transfer of a firearm**
 26 **for any reason.**
 27 **If a dealer refuses to transact a sale, trade, or transfer, the dealer**
 28 **must provide to the prospective recipient and prospective seller a**
 29 **written explanation for the dealer's refusal to transact the**
 30 **requested sale, trade, or transfer.**
 31 **(e) Except as provided in subsections (f), (g), (h), and (i), a**
 32 **dealer who refuses to transact the sale, trade, or transfer of a**
 33 **firearm under subsection (d) must do the following:**
 34 **(1) As soon as practicable, inform the seller and intended**
 35 **recipient of the firearm of the dealer's decision to not transact**
 36 **the sale, trade, or transfer of the firearm.**
 37 **(2) Return any fee originally charged by the dealer for the**
 38 **dealer's role in transacting the sale, trade, or transfer of the**
 39 **firearm to the appropriate party or parties.**
 40 **(3) Return the firearm to be sold, traded, or transferred to the**
 41 **seller if:**
 42 **(A) the firearm is in the dealer's control or possession at**



1 the time the dealer refuses to transact the sale, trade, or
2 transfer of the firearm; and

3 **(B) the seller is not otherwise prohibited under federal or**
4 **state law from possessing a firearm or NFA firearm, as**
5 **applicable.**

6 **(f) A dealer who discovers that the seller of a firearm is not**
7 **eligible, under federal or state law, to possess a firearm or an NFA**
8 **firearm, as applicable, must:**

9 **(1) comply with subsection (e)(1);**

10 **(2) maintain custody of the firearm;**

11 **(3) surrender the firearm to the state police not later than**
12 **twenty-four (24) hours after learning of the seller's inability**
13 **to possess the firearm or NFA firearm, as applicable; and**

14 **(4) comply with all applicable federal laws concerning the**
15 **transfer of a firearm.**

16 **A dealer who is unable to transact the sale, trade, or transfer of a**
17 **firearm due to the inability of the seller to possess a firearm or**
18 **NFA firearm, as applicable, is not required to return any fee**
19 **originally charged to the seller for the dealer's role in the**
20 **attempted transaction.**

21 **(g) A dealer who discovers that the intended recipient of a**
22 **firearm is not eligible, under federal or state law, to possess a**
23 **firearm or an NFA firearm, as applicable, must:**

24 **(1) comply with subsection (e)(1);**

25 **(2) maintain custody of the firearm;**

26 **(3) return the firearm to the seller as soon as practicable if the**
27 **seller is not otherwise prohibited under federal or state law**
28 **from possessing the firearm or NFA firearm, as applicable;**
29 **and**

30 **(4) comply with all applicable federal laws concerning the**
31 **transfer of a firearm.**

32 **A dealer who is unable to transact the sale, trade, or transfer of a**
33 **firearm due to the inability of the intended recipient to possess a**
34 **firearm or NFA firearm, as applicable, is not required to return**
35 **any fee originally charged to the intended recipient for the dealer's**
36 **role in the attempted transaction.**

37 **(h) A dealer who discovers that the seller of a firearm and the**
38 **intended recipient of the firearm are not eligible, under federal or**
39 **state law, to possess a firearm or an NFA firearm, as applicable,**
40 **must:**

41 **(1) comply with subsection (e)(1);**

42 **(2) maintain custody of the firearm;**



1 (3) surrender the firearm to the state police not later than
2 twenty-four (24) hours after learning of the seller's and
3 intended recipient's ineligibility to possess a firearm or NFA
4 firearm, as applicable; and

5 (4) comply with all applicable federal laws concerning the
6 transfer of a firearm.

7 A dealer who is unable to transact the sale, trade, or transfer of a
8 firearm due to the inability of the seller and the intended recipient
9 to possess a firearm or NFA firearm, as applicable, is not required
10 to return any fee originally charged to the seller or the recipient
11 for the dealer's role in the attempted transaction.

12 (i) A dealer who discovers that a firearm to be sold, traded, or
13 transferred has been:

14 (1) reported:

15 (A) lost; or

16 (B) stolen; or

17 (2) used in the commission of a crime;

18 must comply with subsection (e)(1), maintain custody of the
19 firearm, and surrender the firearm to the state police not later
20 than twenty-four (24) hours after learning of the firearm's lost,
21 stolen, or criminal activity status and comply with all applicable
22 federal laws concerning the transfer of a firearm. A dealer who is
23 unable to transact the sale, trade, or transfer of a firearm due to
24 the lost, stolen, or criminal activity status of a firearm to be sold,
25 traded, or transferred is not required to return any fee originally
26 charged to the seller or intended recipient for the dealer's role in
27 the attempted transaction.

28 (j) A dealer who:

29 (1) refuses to transact the sale, trade, or transfer of a firearm
30 under subsection (d)(2) and complies with subsection (e); or

31 (2) aborts the sale, trade, or transfer of a firearm for a
32 reason:

33 (A) described in subsection (f), (g), (h), or (i); or

34 (B) required under federal or state law;

35 shall be immune from civil liability and damages, including
36 punitive damages, for any act or omission related to the dealer's
37 decision to terminate a firearm sale, trade, or transfer described in
38 subdivisions (1) and (2). If a dealer is not liable under this
39 subsection, no person, by reason of an agency relationship with the
40 dealer, may be held liable for any damages, including punitive
41 damages, related to a terminated sale, trade, or transfer of a
42 firearm.



1 **(k) A person who knowingly or intentionally makes a materially**
 2 **false statement to a dealer for the purpose of completing a**
 3 **transaction described in this section commits firearm transfer**
 4 **fraud, a Level 6 felony. However, the offense is a Level 5 felony if**
 5 **the person has a prior unrelated conviction under this subsection.**

6 **(l) A dealer who knowingly or intentionally transacts the sale,**
 7 **trade, or transfer of a firearm:**

8 **(1) without contacting NICS;**

9 **(2) without receiving authorization from NICS to proceed**
 10 **with the requested sale, trade, or transfer of the firearm**
 11 **before transacting the requested sale, trade, or transfer of the**
 12 **firearm; or**

13 **(3) in violation of a NICS instruction to terminate the**
 14 **requested sale, trade, or transfer of the firearm;**

15 **commits unlawful transfer of a firearm, a Level 6 felony. However,**
 16 **the offense is a Level 5 felony if the person has a prior unrelated**
 17 **conviction for an offense under this subsection.**

18 **(m) It is a defense to a prosecution under subsection (l) that a**
 19 **dealer received authorization from NICS to transact a sale, trade,**
 20 **or transfer of a firearm.**

21 SECTION 24. IC 35-47-2.5-4.6 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2023]: **Sec. 4.6. (a) For purposes of this**
 24 **section, "safe storage device" means a:**

25 **(1) trigger lock;**

26 **(2) bore lock;**

27 **(3) cable lock; or**

28 **(4) device comparable to the devices listed in subdivisions (1)**
 29 **through (3) that functions to temporarily render a firearm**
 30 **inoperable.**

31 **(b) At the time of transacting a sale, trade, or transfer of a**
 32 **firearm, a dealer shall provide to the recipient of the firearm a safe**
 33 **storage device.**

34 **(c) A dealer who knowingly or intentionally violates subsection**
 35 **(b) commits a Class A misdemeanor.**

36 SECTION 25. IC 35-47-11.1-1, AS ADDED BY P.L.152-2011,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2023]: **Sec. 1. (a) Except as provided in subsection (b), this**
 39 **chapter applies to a political subdivision (as defined in IC 3-5-2-38).**

40 **(b) This chapter does not apply to a county with a consolidated**
 41 **city.**

42 SECTION 26. IC 35-47-11.1-4, AS AMENDED BY P.L.175-2022,



1 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 4. This chapter may not be construed to
3 prevent any of the following:

4 (1) A law enforcement agency of a political subdivision from
5 enacting and enforcing regulations pertaining to firearms,
6 ammunition, or firearm accessories issued to or used by law
7 enforcement officers in the course of their official duties.

8 (2) Subject to IC 34-28-7-2, an employer from regulating or
9 prohibiting the employees of the employer from carrying firearms
10 and ammunition in the course of the employee's official duties.

11 (3) A court or administrative law judge from hearing and
12 resolving any case or controversy or issuing any opinion or order
13 on a matter within the jurisdiction of the court or judge.

14 (4) The enactment or enforcement of generally applicable zoning
15 or business ordinances that apply to firearms businesses to the
16 same degree as other similar businesses. However, a provision of
17 an ordinance that is designed or enforced to effectively restrict or
18 prohibit the sale, purchase, transfer, manufacture, or display of
19 firearms, ammunition, or firearm accessories that is otherwise
20 lawful under the laws of this state is void. A unit (as defined in
21 IC 36-1-2-23) may not use the unit's planning and zoning powers
22 under IC 36-7-4 to prohibit the sale of firearms within a
23 prescribed distance of any other type of commercial property or
24 of school property or other educational property.

25 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a
26 provision prohibiting or restricting the possession of a firearm in
27 any building that contains the courtroom of a circuit, superior,
28 city, town, or small claims court. However, if a portion of the
29 building is occupied by a residential tenant or private business,
30 any provision restricting or prohibiting the possession of a firearm
31 does not apply to the portion of the building that is occupied by
32 the residential tenant or private business, or to common areas of
33 the building used by a residential tenant or private business.

34 (6) The enactment or enforcement of a provision prohibiting or
35 restricting the intentional display of a firearm at a public meeting.

36 (7) The enactment or enforcement of a provision prohibiting or
37 restricting the possession of a firearm in a public hospital
38 corporation that contains a secure correctional health unit that is
39 staffed by a law enforcement officer twenty-four (24) hours a day.

40 (8) The imposition of any restriction or condition placed on a
41 person participating in:

42 (A) a community corrections program (IC 11-12-1);



- 1 (B) a forensic diversion program (IC 11-12-3.7); or
 2 (C) a pretrial diversion program (IC 33-39-1).
 3 (9) The enforcement or prosecution of the offense of criminal
 4 recklessness (IC 35-42-2-2) involving the use of a firearm.
 5 (10) For an event occurring on property leased from a political
 6 subdivision or municipal corporation by the promoter or organizer
 7 of the event:
 8 (A) the establishment, by the promoter or organizer, at the
 9 promoter's or organizer's own discretion, of rules of conduct or
 10 admission upon which attendance at or participation in the
 11 event is conditioned; or
 12 (B) the implementation or enforcement of the rules of conduct
 13 or admission described in clause (A) by a political subdivision
 14 or municipal corporation in connection with the event.
 15 (11) The enactment or enforcement of a provision prohibiting or
 16 restricting the possession of a firearm in a hospital established
 17 and operated under IC 16-22-2 or IC 16-23.
 18 (12) A unit from using the unit's planning and zoning powers
 19 under IC 36-7-4 to prohibit the sale of firearms within two
 20 hundred (200) feet of a school by a person having a business that
 21 did not sell firearms within two hundred (200) feet of a school
 22 before April 1, 1994.
 23 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)
 24 from enacting or enforcing a provision prohibiting or restricting
 25 the possession of a firearm in a building owned or administered
 26 by the unit if:
 27 (A) metal detection devices are located at each public entrance
 28 to the building;
 29 (B) each public entrance to the building is staffed by at least
 30 one (1) law enforcement officer:
 31 (i) who has been adequately trained to conduct inspections
 32 of persons entering the building by use of metal detection
 33 devices and proper physical pat down searches; and
 34 (ii) when the building is open to the public; and
 35 (C) each:
 36 (i) individual who enters the building through the public
 37 entrance when the building is open to the public; and
 38 (ii) bag, package, and other container carried by the
 39 individual;
 40 is inspected by a law enforcement officer described in clause
 41 (B).
 42 However, except as provided in subdivision (5) concerning a



1 building that contains a courtroom, a unit may not prohibit or
 2 restrict the possession of a handgun under this subdivision in a
 3 building owned or administered by the unit if the person who
 4 possesses the handgun ~~is not otherwise prohibited from carrying~~
 5 ~~or possessing a handgun~~; **has been issued a valid license to**
 6 **carry the handgun under IC 35-47-2.**

7 SECTION 27. IC 35-50-2-13, AS AMENDED BY P.L.175-2022,
 8 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 13. (a) The state may seek, on a page separate
 10 from the rest of a charging instrument, to have a person who allegedly
 11 committed an offense of dealing in a controlled substance under
 12 IC 35-48-4-1 through IC 35-48-4-4 sentenced to an additional fixed
 13 term of imprisonment if the state can show beyond a reasonable doubt
 14 that the person knowingly or intentionally:

15 (1) used a firearm; or

16 (2) possessed a:

17 (A) handgun in violation of ~~IC 35-47-2-1.5~~; **IC 35-47-2-1**;

18 (B) sawed-off shotgun in violation of federal law; or

19 (C) machine gun in violation of IC 35-47-5-8;

20 while committing the offense.

21 (b) If the person was convicted of the offense in a jury trial, the jury
 22 shall reconvene to hear evidence in the enhancement hearing. If the
 23 trial was to the court, or the judgment was entered on a guilty plea, the
 24 court alone shall hear evidence in the enhancement hearing.

25 (c) If the jury (if the hearing is by jury) or the court (if the hearing
 26 is to the court alone) finds that the state has proved beyond a
 27 reasonable doubt that the person knowingly or intentionally committed
 28 an offense as described in subsection (a), the court may sentence the
 29 person to an additional fixed term of imprisonment of not more than
 30 five (5) years, except as follows:

31 (1) If the firearm is a sawed-off shotgun, the court may sentence
 32 the person to an additional fixed term of imprisonment of not
 33 more than ten (10) years.

34 (2) If the firearm is a machine gun or is equipped with a firearm
 35 silencer or firearm muffler, the court may sentence the person to
 36 an additional fixed term of imprisonment of not more than twenty
 37 (20) years. The additional sentence under this subdivision is in
 38 addition to any additional sentence imposed under section 11 of
 39 this chapter for use of a firearm in the commission of an offense.

40 SECTION 28. **An emergency is declared for this act.**

