

SENATE BILL No. 144

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-30-1-4; IC 35-47.

Synopsis: Firearms matters. Allows a juvenile who is at least 16 years of age to be charged in adult court for the commission of certain offenses relating to the unlawful transfer of a firearm. Permits a child to travel with a firearm to or from certain activities where the child is permitted to possess the firearm only if the child is accompanied by the child's parent or legal guardian, or by an adult who has been authorized to accompany the child by the child's parent or legal guardian, as long as the parent, legal guardian, or authorized adult is eligible to purchase or otherwise receive from a dealer a handgun. Prohibits a state entity or a political subdivision (government entity) from regulating or restricting by administrative rule, ordinance, or policy the ownership, possession, or carrying of a handgun on government property by an individual who both: (1) holds a valid license to carry a handgun; and (2) is not prohibited from owning or possessing a handgun under state or federal law (lawful individual). Prohibits a person who enters into a contract with a government entity after June 30, 2024, from regulating or restricting the ownership, possession, or carrying of a handgun on government property by a lawful individual. Specifies that these prohibitions do not apply to, or affect the validity of, a: (1) contract or agreement that is initially entered into before July 1, 2024, even if that contract is later amended or renewed; and (2) statute, administrative rule, ordinance, or policy: (A) enacted by a government entity; and (B) in effect on January 1, 2024. Urges the legislative council to assign to the interim study committee on corrections and criminal code during the 2024 interim the task of creating a consolidated and comprehensive list of the places at which the carrying of a firearm is prohibited under state or federal law.

Effective: July 1, 2024.

Young M, Tomes

January 8, 2024, read first time and referred to Committee on Corrections and Criminal Law.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 144

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

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

- 1 SECTION 1. IC 31-30-1-4, AS AMENDED BY P.L.115-2023,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 4. (a) The juvenile court does not have jurisdiction
4 over an individual for an alleged violation of:
5 (1) IC 35-41-5-1(a) (attempted murder);
6 (2) IC 35-42-1-1 (murder);
7 (3) IC 35-42-3-2 (kidnapping);
8 (4) IC 35-42-4-1 (rape);
9 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
10 (6) IC 35-42-5-1 (robbery) if:
11 (A) the robbery was committed while armed with a deadly
12 weapon; or
13 (B) the robbery results in bodily injury or serious bodily
14 injury;
15 (7) IC 35-42-5-2 (carjacking) (before its repeal);
16 (8) IC 35-47-2-1.5 (unlawful carrying of a handgun), if charged
17 as a felony;



1 (9) IC 35-47-10 (children and firearms), if charged as a felony;
 2 **(10) IC 35-47-2-7 (prohibited firearms transfers);**
 3 **(11) IC 35-47-2.5-16 (criminal transfer of a firearm);**
 4 **(12) IC 35-47-4-6.7 (unlawful transfer of a firearm to a**
 5 **dangerous person);** or
 6 ~~(10)~~ **(13)** any offense that may be joined under IC 35-34-1-9(a)(2)
 7 with any crime listed in this subsection;

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

10 (b) Once an individual described in subsection (a) has been charged
 11 with any offense listed in subsection (a), the court having adult
 12 criminal jurisdiction shall retain jurisdiction over the case if the
 13 individual pleads guilty to or is convicted of any offense listed in
 14 subsection (a)(1) through ~~(a)(9)~~; **(a)(12)**.

15 (c) If:

- 16 (1) an individual described in subsection (a) is charged with one
 17 (1) or more offenses listed in subsection (a);
 18 (2) all the charges under subsection (a)(1) through ~~(a)(9)~~ **(a)(12)**
 19 resulted in an acquittal or were dismissed; and
 20 (3) the individual pleads guilty to or is convicted of any offense
 21 other than an offense listed in subsection (a)(1) through ~~(a)(9)~~;
 22 **(a)(12);**

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

36 (d) A court having adult criminal jurisdiction, and not a juvenile
 37 court, has jurisdiction over a person who is at least twenty-one (21)
 38 years of age for an alleged offense:

- 39 (1) committed while the person was a child; and
 40 (2) that could have been waived under IC 31-30-3.

41 SECTION 2. IC 35-47-10-1, AS AMENDED BY P.L.152-2014,
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2024]; Sec. 1. (a) This section does not apply to section 7 of
 2 this chapter.
- 3 (b) Except as provided in subsection (c), this chapter does not apply
 4 to the following:
- 5 (1) A child who is attending a hunters safety course or a firearms
 6 safety course or an adult who is supervising the child during the
 7 course.
- 8 (2) A child engaging in practice in using a firearm for target
 9 shooting at an established range or in an area where the discharge
 10 of a firearm is not prohibited or supervised by:
- 11 (A) a qualified firearms instructor; or
 12 (B) an adult who is supervising the child while the child is at
 13 the range.
- 14 (3) A child engaging in an organized competition involving the
 15 use of a firearm or participating in or practicing for a performance
 16 by an organized group under Section 501(c)(3) of the Internal
 17 Revenue Code that uses firearms as a part of a performance or an
 18 adult who is involved in the competition or performance.
- 19 (4) A child who is hunting or trapping under a valid license issued
 20 to the child under IC 14-22.
- 21 (5) A child who is traveling with an unloaded firearm to or from
 22 an activity described in this section, **if the child is accompanied**
 23 **by:**
- 24 (A) **the child's parent or legal guardian; or**
 25 (B) **an adult who is authorized by the child's parent or**
 26 **legal guardian to accompany the child to or from an**
 27 **activity described in this section;**
 28 **if the parent, legal guardian, or authorized adult is eligible to**
 29 **purchase or otherwise receive from a dealer a handgun.**
- 30 (6) A child who:
- 31 (A) is on real property that is under the control of the child's
 32 parent, an adult family member of the child, or the child's legal
 33 guardian; and
 34 (B) has permission from the child's parent or legal guardian to
 35 possess a firearm.
- 36 (7) A child who:
- 37 (A) is at the child's residence; and
 38 (B) has the permission of the child's parent, an adult family
 39 member of the child, or the child's legal guardian to possess a
 40 firearm.
- 41 (c) This chapter applies to a child, and to a person who provides a
 42 firearm to a child, if the child:



- 1 (1) is ineligible to purchase or possess a firearm for any reason
 2 other than the child's age; or
 3 (2) if the child intends to use a firearm to commit a crime.

4 SECTION 3. IC 35-47-11.1-4, AS AMENDED BY P.L.175-2022,
 5 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2024]: Sec. 4. **Except as provided in IC 35-47-11.5**, this
 7 chapter may not be construed to prevent any of the following:

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

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

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

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

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

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

40 (7) The enactment or enforcement of a provision prohibiting or
 41 restricting the possession of a firearm in a public hospital
 42 corporation that contains a secure correctional health unit that is



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



- 1 individual;
 2 is inspected by a law enforcement officer described in clause
 3 (B).
 4 However, except as provided in subdivision (5) concerning a
 5 building that contains a courtroom, a unit may not prohibit or
 6 restrict the possession of a handgun under this subdivision in a
 7 building owned or administered by the unit if the person who
 8 possesses the handgun is not otherwise prohibited from carrying
 9 or possessing a handgun.
- 10 SECTION 4. IC 35-47-11.5 IS ADDED TO THE INDIANA CODE
 11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2024]:
- 13 **Chapter 11.5. Regulation of Handguns on Government Property**
 14 **Sec. 1. This chapter:**
- 15 (1) applies:
- 16 (A) to a:
- 17 (i) contract or agreement that is initially entered into
 18 after June 30, 2024; and
 19 (ii) statute, administrative rule, ordinance, or policy
 20 enacted after June 30, 2024; and
 21 (B) notwithstanding:
- 22 (i) IC 35-47-11.1-4(2);
 23 (ii) IC 35-47-11.1-4(4); and
 24 (iii) IC 35-47-11.1-4(10) through IC 35-47-11.1-4(13);
 25 and
- 26 (2) except as provided in subdivision (1)(B), does not apply to,
 27 or affect the validity of, a:
- 28 (A) contract or agreement that is initially entered into
 29 before July 1, 2024, even if that contract is later amended
 30 or renewed; or
 31 (B) statute, administrative rule, ordinance, or policy:
- 32 (i) enacted by a government entity; and
 33 (ii) in effect on January 1, 2024.
- 34 **Sec. 2. For purposes of this chapter, "applicable statutes"**
 35 **means:**
- 36 (1) IC 35-47-11.1-4(1);
 37 (2) IC 35-47-11.1-4(3); and
 38 (3) IC 35-47-11.1-4(5) through IC 35-47-11.1-4(9).
- 39 **Sec. 3. For purposes of this chapter, "government entity" means**
 40 **a state entity or a political subdivision.**
- 41 **Sec. 4. For purposes of this chapter, "government property"**
 42 **means:**



1 (1) land that is; or

2 (2) buildings, other structures, or capital improvements that
3 are;

4 wholly or partially owned, leased, rented, acquired, held, operated,
5 maintained, or managed by a government entity.

6 Sec. 5. For purposes of this chapter, "political subdivision" has
7 the meaning set forth in IC 36-1-2-13.

8 Sec. 6. For purposes of this chapter, "state entity" means an
9 agency, an authority, an office, a board, a bureau, a branch, a
10 commission, a committee, a department, a division, or another
11 instrumentality of state government, including the:

12 (1) executive branch;

13 (2) legislative branch; and

14 (3) judicial branch;

15 of state government.

16 Sec. 7. Except as provided in the applicable statutes, a
17 government entity may not regulate or restrict by administrative
18 rule, ordinance, or policy the ownership, possession, or carrying of
19 a handgun on government property by an individual who meets
20 both of the following requirements:

21 (1) The individual holds a valid license to carry a handgun
22 under IC 35-47-2-3.

23 (2) The individual is not prohibited from owning or possessing
24 a handgun under state or federal law.

25 Sec. 8. (a) Except as provided in the applicable statutes, a person
26 who enters, amends, or renews a contract or agreement with a
27 government entity may not regulate or restrict the ownership,
28 possession, or carrying of a handgun on government property by
29 an individual who meets both of the following requirements:

30 (1) The individual holds a valid license to carry a handgun
31 under IC 35-47-2-3.

32 (2) The individual is not prohibited from owning or possessing
33 a handgun under state or federal law.

34 (b) The prohibition described in subsection (a) also applies to a
35 subcontractor or sublessee in any tier of a contract or agreement
36 with a government entity.

37 SECTION 5. [EFFECTIVE JULY 1, 2024] (a) The legislative
38 council is urged to assign to the interim study committee on
39 corrections and criminal code during the 2024 interim the task of
40 creating a consolidated and comprehensive list of the places at
41 which the carrying of a firearm is prohibited under state or federal
42 law.



1 **(b) This SECTION expires December 31, 2024.**

