

SENATE BILL No. 119

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2-7.

Synopsis: Prohibited firearm transfers to minors. Provides that a person may not sell, give, or in any other manner transfer ownership or possession of a machine gun to any person under 18 years of age. Provides that a person who knowingly or intentionally sells, provides, or in any other manner transfers ownership or possession of a machine gun to a person under 18 years of age commits a: (1) Level 5 felony; (2) Level 4 felony if the person has a prior conviction for the offense; or (3) Level 3 felony if a person under 18 years of age uses the machine gun to commit murder. Defines certain terms. Makes conforming amendments.

Effective: July 1, 2019.

Tomes

January 3, 2019, read first time and referred to Committee on Judiciary.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 119

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

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

1 SECTION 1. IC 35-47-2-7, AS AMENDED BY P.L.152-2014,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 7. **(a) As used in this section, "machine gun"**
 4 **means any weapon that shoots, is designed to shoot, or can be**
 5 **readily restored to shoot automatically more than one (1) shot,**
 6 **without manual reloading, by a single function of the trigger. The**
 7 **term includes the frame or receiver of any such weapon, any part**
 8 **designed and intended solely and exclusively, or a combination of**
 9 **parts designed and intended, for use in converting a weapon into**
 10 **a machine gun, and any combination of parts from which a**
 11 **machine gun can be assembled if such parts are in the possession**
 12 **or under the control of a person.**

13 ~~(a)~~ **(b)** Except an individual acting within a parent-minor child or
 14 guardian-minor protected person relationship or any other individual
 15 who is also acting in compliance with:

- 16 **(1) IC 35-47-10 (governing children and firearms); and**
 17 **(2) federal law;**



1 a person may not sell, give, or in any other manner transfer the
 2 ownership or possession of a handgun or ~~assault weapon~~ **a machine**
 3 **gun** to any person under eighteen (18) years of age. **A person who**
 4 **knowingly or intentionally sells, gives, or in any other manner**
 5 **transfers ownership or possession of a machine gun to a person**
 6 **under eighteen (18) years of age commits a Level 5 felony.**
 7 **However, the offense is a Level 4 felony if the person who sells,**
 8 **gives, or transfers ownership of the machine gun has a prior**
 9 **conviction under this section, and a Level 3 felony if a person**
 10 **under eighteen (18) years of age uses the machine gun to commit**
 11 **murder (IC 35-42-1-1).**

12 ~~(b)~~ **(c)** A person who knowingly or intentionally sells, gives, or in
 13 any other manner transfers the ownership or possession of a handgun
 14 to another person who the person knows:

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

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

21 ~~(c)~~ **(d)** A person who purchases a handgun with the intent to:

- 22 (1) resell or otherwise provide the handgun to another person who
- 23 the person knows is ineligible for any reason to purchase or
- 24 otherwise receive from a dealer a handgun;
- 25 (2) resell or otherwise provide the handgun to another person who
- 26 the person knows intends to use the handgun to commit a crime;
- 27 or
- 28 (3) transport the handgun outside Indiana to be resold or
- 29 otherwise provided to another person who the transferor knows:
- 30 (A) is ineligible to purchase or otherwise receive a handgun;
- 31 or
- 32 (B) intends to use the handgun to commit a crime;

33 commits the straw purchase of a handgun, a Level 5 felony. However,
 34 the offense is a Level 3 felony if the other person uses the handgun to
 35 commit murder (IC 35-42-1-1).

36 ~~(d)~~ **(e)** As used in this subsection, "NICS" has the meaning set forth
 37 in IC 35-47-2.5-2.5. It is a defense to a prosecution under subsection
 38 ~~(b)(1)~~ **(c)(1)** that:

- 39 (1) the accused person contacted NICS (or had a dealer contact
- 40 NICS on the person's behalf) to request a background check on
- 41 the other person before the accused person sold, gave, or in any
- 42 other manner transferred the ownership or possession of the



1 handgun to the other person; and
2 (2) the accused person (or dealer acting on the person's behalf)
3 received authorization from NICS to sell, give, or in any other
4 manner transfer ownership or possession of the handgun to the
5 other person.

