

SENATE BILL No. 14

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-13-1-3.5; IC 14-16-1-23; IC 31-30-1-4; IC 35-31.5-2; IC 35-33-1-1; IC 35-47.

Synopsis: Firearms matters. Makes the current offense of carrying a handgun without a license applicable only to persons who are at least 18 years of age but less than 21 years of age. Allows certain persons who are at least 21 years of age to possess or carry a handgun without a license unless the person fits into one of several categories, including a person who: (1) has been convicted of, or arrested for, specified crimes or delinquent offenses; (2) has been prohibited by a court from possessing a handgun or has been found by a court to be dangerous; or (3) has been found by a court to be mentally incompetent, has been involuntarily committed, or has been the subject of a 90 day or regular commitment. Allows certain persons who: (1) do not meet the requirements to receive a license to carry a handgun; and (2) are not otherwise barred from carrying or possessing a handgun by state law; to carry a handgun in specified instances. Makes it a Class A misdemeanor for particular persons to possess or carry a handgun. Increases the penalty to a Level 5 felony in some instances. Defines certain terms. Makes conforming amendments and repeals obsolete provisions. Makes a technical correction.

Effective: July 1, 2022.

Tomes, Brown L, Doriot

January 4, 2022, read first time and referred to Committee on Judiciary.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 14



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 11-13-1-3.5, AS AMENDED BY P.L.4-2017,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 3.5. A probation officer may not carry a handgun
4 as described in ~~IC 35-47-2-1~~ **in any vehicle or on or about the**
5 **probation officer's body** while acting in the scope of employment as
6 a probation officer unless all of the following conditions are met:
7 (1) The appointing court enters an order authorizing the probation
8 officer to carry the handgun while on duty.
9 (2) The probation officer is issued a license to carry the handgun
10 under IC 35-47-2, **if the probation officer is at least eighteen**
11 **(18) years of age but less than twenty-one (21) years of age.**
12 (3) The probation officer successfully completes a handgun safety
13 course certified by the law enforcement training board under
14 IC 5-2-1-9(n).
15 SECTION 2. IC 14-16-1-23, AS AMENDED BY P.L.35-2011,
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2022]: Sec. 23. (a) An individual shall not operate a vehicle



- 1 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 has been issued an unlimited handgun license
 8 to carry a handgun under IC 35-47-2;
- 9 **(2) if:**
- 10 **(A) the firearm is a handgun;**
 11 **(B) the person is at least twenty-one (21) years of age; and**
 12 **(C) the person is not prohibited from possessing or**
 13 **carrying a firearm under state or federal law;**
- 14 ~~(3)~~ **(3) if:**
- 15 (A) the firearm is a handgun; and
 16 (B) the person is not required to possess a license to carry a
 17 handgun under IC 35-47-2-2; or
- 18 ~~(4)~~ **(4) if the person carrying the firearm is operating the vehicle**
 19 **on property that the person:**
- 20 (A) owns;
 21 (B) has a contractual interest in;
 22 (C) otherwise legally possesses; or
 23 (D) has permission from a person described in clauses (A)
 24 through (C) to possess a firearm on.
- 25 SECTION 3. IC 31-30-1-4, AS AMENDED BY P.L.28-2016,
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2022]: Sec. 4. (a) The juvenile court does not have jurisdiction
 28 over an individual for an alleged violation of:
- 29 (1) IC 35-41-5-1(a) (attempted murder);
 30 (2) IC 35-42-1-1 (murder);
 31 (3) IC 35-42-3-2 (kidnapping);
 32 (4) IC 35-42-4-1 (rape);
 33 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
 34 (6) IC 35-42-5-1 (robbery) if:
 35 (A) the robbery was committed while armed with a deadly
 36 weapon; or
 37 (B) the robbery results in bodily injury or serious bodily
 38 injury;
 39 (7) IC 35-42-5-2 (carjacking) (before its repeal);
 40 (8) IC 35-47-2-1 (carrying a handgun without a license), if
 41 charged as a felony, **or IC 35-47-2-1 (unlawful possession of a**
 42 **handgun), if charged as a felony;**



1 (9) IC 35-47-10 (children and firearms), if charged as a felony; or
 2 (10) any offense that may be joined under IC 35-34-1-9(a)(2) with
 3 any crime listed in this subsection;
 4 if the individual was at least sixteen (16) years of age but less than
 5 eighteen (18) years of age at the time of the alleged violation.

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

11 (c) If:

12 (1) an individual described in subsection (a) is charged with one
 13 (1) or more offenses listed in subsection (a);
 14 (2) all the charges under subsection (a)(1) through (a)(9) resulted
 15 in an acquittal or were dismissed; and
 16 (3) the individual pleads guilty to or is convicted of any offense
 17 other than an offense listed in subsection (a)(1) through (a)(9);
 18 the court having adult criminal jurisdiction may withhold judgment and
 19 transfer jurisdiction to the juvenile court for adjudication and
 20 disposition. In determining whether to transfer jurisdiction to the
 21 juvenile court for adjudication and disposition, the court having adult
 22 criminal jurisdiction shall consider whether there are appropriate
 23 services available in the juvenile justice system, whether the child is
 24 amenable to rehabilitation under the juvenile justice system, and
 25 whether it is in the best interests of the safety and welfare of the
 26 community that the child be transferred to juvenile court. All orders
 27 concerning release conditions remain in effect until a juvenile court
 28 detention hearing, which must be held not later than forty-eight (48)
 29 hours, excluding Saturdays, Sundays, and legal holidays, after the order
 30 of transfer of jurisdiction.

31 SECTION 4. IC 35-31.5-2-38, AS AMENDED BY P.L.252-2017,
 32 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2022]: Sec. 38. "Child", for purposes of IC 35-46-1-8,
 34 **IC 35-47-2-1**, IC 35-47-10, and IC 35-44.1-5-5, has the meaning set
 35 forth in IC 35-47-10-3.

36 SECTION 5. IC 35-31.5-2-78, AS AMENDED BY P.L.40-2019,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2022]: Sec. 78. "Crime of domestic violence", for purposes of
 39 IC 5-2-6.1, IC 35-38-9, **IC 35-47-2-1**, and IC 35-47-4-7, means an
 40 offense or the attempt to commit an offense that:

41 (1) has as an element the:

42 (A) use of physical force; or



- 1 (B) threatened use of a deadly weapon; and
 2 (2) is committed against a family or household member, as
 3 defined in section 128 of this chapter.
- 4 SECTION 6. IC 35-31.5-2-187.5 IS ADDED TO THE INDIANA
 5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2022]: **Sec. 187.5. "Limited carrier", for**
 7 **purposes of IC 35-47, has the meaning set forth in IC 35-47-1-6.5.**
- 8 SECTION 7. IC 35-31.5-2-250.5 IS ADDED TO THE INDIANA
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2022]: **Sec. 250.5. "Prohibited person", for**
 11 **purposes of IC 35-47, has the meaning set forth in IC 35-47-1-6.8.**
- 12 SECTION 8. IC 35-33-1-1, AS AMENDED BY P.L.65-2016,
 13 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2022]: Sec. 1. (a) A law enforcement officer may arrest a
 15 person when the officer has:
- 16 (1) a warrant commanding that the person be arrested;
 - 17 (2) probable cause to believe the person has committed or
 - 18 attempted to commit, or is committing or attempting to commit,
 - 19 a felony;
 - 20 (3) probable cause to believe the person has violated the
 - 21 provisions of IC 9-26-1-1.1 or IC 9-30-5;
 - 22 (4) probable cause to believe the person is committing or
 - 23 attempting to commit a misdemeanor in the officer's presence;
 - 24 (5) probable cause to believe the person has committed a:
 - 25 (A) battery resulting in bodily injury under IC 35-42-2-1; or
 - 26 (B) domestic battery under IC 35-42-2-1.3.
- 27 The officer may use an affidavit executed by an individual alleged
 28 to have direct knowledge of the incident alleging the elements of
 29 the offense of battery to establish probable cause;
- 30 (6) probable cause to believe that the person violated
 - 31 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;
 - 32 (7) probable cause to believe that the person violated
 - 33 IC 35-47-2-1 (carrying a handgun without a license),
 - 34 **IC 35-47-2-1 (unlawful possession of a handgun),** or
 - 35 IC 35-47-2-22 (counterfeit handgun license);
 - 36 (8) probable cause to believe that the person is violating or has
 - 37 violated an order issued under IC 35-50-7;
 - 38 (9) probable cause to believe that the person is violating or has
 - 39 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
 - 40 device);
 - 41 (10) probable cause to believe that the person is:
 - 42 (A) violating or has violated IC 35-45-2-5 (interference with



- 1 the reporting of a crime); and
 2 (B) interfering with or preventing the reporting of a crime
 3 involving domestic or family violence (as defined in
 4 IC 34-6-2-34.5);
 5 (11) probable cause to believe that the person has committed theft
 6 (IC 35-43-4-2);
 7 (12) a removal order issued for the person by an immigration
 8 court;
 9 (13) a detainer or notice of action for the person issued by the
 10 United States Department of Homeland Security; or
 11 (14) probable cause to believe that the person has been indicted
 12 for or convicted of one (1) or more aggravated felonies (as
 13 defined in 8 U.S.C. 1101(a)(43)).
 14 (b) A person who:
 15 (1) is employed full time as a federal enforcement officer;
 16 (2) is empowered to effect an arrest with or without warrant for a
 17 violation of the United States Code; and
 18 (3) is authorized to carry firearms in the performance of the
 19 person's duties;
 20 may act as an officer for the arrest of offenders against the laws of this
 21 state where the person reasonably believes that a felony has been or is
 22 about to be committed or attempted in the person's presence.
 23 SECTION 9. IC 35-47-1-2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. "Alcohol abuser"
 25 means an individual who has had two (2) or more alcohol related
 26 offenses, any one (1) of which resulted in conviction by a court or
 27 treatment in an alcohol abuse facility within three (3) years prior to:
 28 (1) the date of the application; or
 29 (2) **the carrying or possession of a handgun.**
 30 SECTION 10. IC 35-47-1-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. "Drug abuser" means
 32 an individual who has had two (2) or more violations of ~~IC 35-48-1,~~
 33 ~~IC 35-48-2, IC 35-48-3,~~ or IC 35-48-4, any one (1) of which resulted
 34 in conviction by a court or treatment in a drug abuse facility within five
 35 (5) years prior to:
 36 (1) the date of application; or
 37 (2) **the carrying or possession of a handgun.**
 38 SECTION 11. IC 35-47-1-6.5 IS ADDED TO THE INDIANA
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2022]: **Sec. 6.5. "Limited carrier" means an**
 41 **individual who:**
 42 (1) **does not meet the requirements under IC 35-47-2-3 to**



1 **receive a license to carry a handgun; and**
 2 **(2) notwithstanding IC 35-47-2-1(c), is not otherwise**
 3 **prohibited by state law from carrying or possessing a**
 4 **handgun.**

5 SECTION 12. IC 35-47-1-6.8 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2022]: **Sec. 6.8. "Prohibited person" means**
 8 **a person who:**

9 **(1) has a conviction for resisting law enforcement under**
 10 **IC 35-44.1-3-1 within five (5) years of the date the person**
 11 **possesses or carries a handgun;**

12 **(2) has a conviction for a crime for which the person could**
 13 **have been sentenced for more than one (1) year;**

14 **(3) has a conviction for:**

15 **(A) a crime of domestic violence (as defined in**
 16 **IC 35-31.5-2-78); or**

17 **(B) domestic battery under IC 35-42-2-1.3;**

18 **unless a court has restored the person's right to possess a**
 19 **firearm under IC 35-47-4-7;**

20 **(4) is prohibited by a court order from possessing a handgun;**

21 **(5) has a record of being an alcohol abuser (as defined in**
 22 **IC 35-47-1-2) or a drug abuser (as defined in IC 35-47-1-4);**

23 **(6) has a conviction for any crime involving an inability to**
 24 **safely handle a handgun;**

25 **(7) has a conviction for violation of the provisions of this**
 26 **article within five (5) years of the date the person possesses or**
 27 **carries a handgun;**

28 **(8) has an adjudication as a delinquent child for an act that**
 29 **would be a felony if committed by an adult, if the person is**
 30 **less than twenty-three (23) years of age;**

31 **(9) has been involuntarily committed, other than a temporary**
 32 **commitment for observation or evaluation, to a mental**
 33 **institution by a court, board, commission, or other lawful**
 34 **authority;**

35 **(10) has been the subject of a:**

36 **(A) ninety (90) day commitment as a result of proceeding**
 37 **under IC 12-26-6; or**

38 **(B) regular commitment under IC 12-26-7;**

39 **(11) has been found by a court to be mentally incompetent,**
 40 **including being found:**

41 **(A) not guilty by reason of insanity;**

42 **(B) guilty but mentally ill; or**



- 1 (C) incompetent to stand trial;
 2 (12) is currently designated as dangerous (as defined in
 3 IC 35-47-14-1) by a court following a hearing under
 4 IC 35-47-14-6, unless the person has successfully petitioned
 5 for the return of a firearm under IC 35-47-14-8;
 6 (13) has been arrested for:
 7 (A) a Class A or Class B felony for an offense committed
 8 before July 1, 2014;
 9 (B) a Level 1, Level 2, Level 3, or Level 4 felony for an
 10 offense committed after June 30, 2014; or
 11 (C) any other felony that was committed while armed with
 12 a deadly weapon or that involved the use of violence;
 13 if a court has found probable cause to believe that the person
 14 committed the offense charged, unless the person has been
 15 acquitted of the specific offense charged or the charges for the
 16 specific offense are dismissed;
 17 (14) is at least eighteen (18) years of age but less than
 18 twenty-one (21) years of age, unless the person is:
 19 (A) licensed under this chapter to carry a handgun; or
 20 (B) exempt from the license requirement under
 21 IC 35-47-2-1 through IC 35-47-2-2.1 of this chapter; or
 22 (15) is a child less than eighteen (18) years of age, unless
 23 authorized under IC 35-47-10.
 24 SECTION 13. IC 35-47-2-1, AS AMENDED BY P.L.221-2017,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2022]: Sec. 1. (a) **This subsection applies after June 30,**
 27 **2022. Subsection (b) applies only to a person who is at least**
 28 **eighteen (18) years of age but less than twenty-one (21) years of**
 29 **age.**
 30 (b) Except as provided in ~~subsections subsection (b) and~~ (c) and
 31 sections 2 through 2.1 of this chapter, a person shall not carry a
 32 handgun in any vehicle or on or about the person's body without being
 33 licensed under this chapter to carry a handgun.
 34 (c) Except as provided in ~~subsection (c);~~ a person
 35 **Notwithstanding subsection (e), a limited carrier (as defined in**
 36 **IC 35-47-1-6.5) may carry a handgun without being licensed under this**
 37 chapter to carry a handgun if:
 38 (1) the person carries the handgun on or about the person's body
 39 in or on property that is owned, leased, rented, or otherwise
 40 legally controlled by the person;
 41 (2) the person carries the handgun on or about the person's body
 42 while lawfully present in or on property that is owned, leased,



- 1 rented, or otherwise legally controlled by another person, if the
 2 person:
- 3 (A) has the consent of the owner, renter, lessor, or person who
 4 legally controls the property to have the handgun on the
 5 premises;
- 6 (B) is attending a firearms related event on the property,
 7 including a gun show, firearms expo, gun owner's club or
 8 convention, hunting club, shooting club, or training course; or
 9 (C) is on the property to receive firearms related services,
 10 including the repair, maintenance, or modification of a
 11 firearm;
- 12 (3) the person carries the handgun in a vehicle that is owned,
 13 leased, rented, or otherwise legally controlled by the person, if the
 14 handgun is:
- 15 (A) unloaded;
- 16 (B) not readily accessible; and
- 17 (C) secured in a case;
- 18 (4) the person carries the handgun while lawfully present in a
 19 vehicle that is owned, leased, rented, or otherwise legally
 20 controlled by another person, if the handgun is:
- 21 (A) unloaded;
- 22 (B) not readily accessible; and
- 23 (C) secured in a case; **or**
- 24 (5) the person carries the handgun:
- 25 (A) at a shooting range (as defined in IC 14-22-31.5-3);
- 26 (B) while attending a firearms instructional course; or
- 27 (C) while engaged in a legal hunting activity. ~~or~~
- 28 (6) the person is permitted to carry a handgun without a license
 29 under section 2.1 of this chapter (persons protected by a
 30 protection order):
- 31 (c) ~~Unless the person's right to possess a firearm has been restored~~
 32 ~~under IC 35-47-4-7, a person who has been convicted of domestic~~
 33 ~~battery under IC 35-42-2-1.3 may not possess or carry a handgun.~~
- 34 **(d) Except as provided in subsection (e), a person who is at least**
 35 **twenty-one (21) years of age may possess or carry a handgun in**
 36 **any vehicle or on or about the person's body without being licensed**
 37 **under this chapter to carry a handgun.**
- 38 **(e) Except as provided in subsection (c), a:**
- 39 **(1) limited carrier (as defined in IC 35-47-1-6.5); or**
- 40 **(2) prohibited person (as defined in IC 35-47-1-6.8);**
 41 **may not knowingly or intentionally possess or carry a handgun.**
- 42 ~~(f)~~ **(f) This section may not be construed:**



1 (1) to prohibit a person who owns, leases, rents, or otherwise
 2 legally controls private property from regulating or prohibiting the
 3 possession of firearms on the private property;
 4 (2) to allow a person to adopt or enforce an ordinance, resolution,
 5 policy, or rule that:
 6 (A) prohibits; or
 7 (B) has the effect of prohibiting;
 8 an employee of the person from possessing a firearm or
 9 ammunition that is locked in the trunk of the employee's vehicle,
 10 kept in the glove compartment of the employee's locked vehicle,
 11 or stored out of plain sight in the employee's locked vehicle,
 12 unless the person's adoption or enforcement of the ordinance,
 13 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or
 14 (3) to allow a person to adopt or enforce a law, statute, ordinance,
 15 resolution, policy, or rule that allows a person to possess or
 16 transport a firearm or ammunition if the person is prohibited from
 17 possessing or transporting the firearm or ammunition by state or
 18 federal law.

19 **(e) (g) Except as provided in subsection (j), a person who**
 20 **knowingly or intentionally violates this section subsection (b) commits**
 21 **carrying a handgun without a license, a Class A misdemeanor.**

22 **(h) Except as provided in subsection (j), a person who knowingly**
 23 **or intentionally violates subsection (e) commits unlawful possession**
 24 **of a handgun, a Class A misdemeanor.**

25 **(i) However, The offense described in subsection (g) or (h) is a**
 26 **Level 5 felony:**

- 27 (1) if the offense is committed:
 - 28 (A) on or in school property;
 - 29 (B) within five hundred (500) feet of school property; or
 - 30 (C) on a school bus; or
- 31 (2) if the person:
 - 32 (A) has a prior conviction of any offense under:
 - 33 (i) this section; or
 - 34 (ii) section 22 of this chapter; or
 - 35 (B) has been convicted of a felony within fifteen (15) years
 - 36 before the date of the offense.

37 **(j) A child who possesses or carries a firearm in violation of**
 38 **IC 35-47-10 is subject to the penalties in IC 35-47-10.**

39 SECTION 14. IC 35-47-2-2, AS AMENDED BY P.L.164-2011,
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2022]: Sec. 2. Section ~~1~~ **1(b)** of this chapter does not apply to:

- 42 (1) marshals;



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

21 SECTION 15. IC 35-47-2-2.1, AS ADDED BY P.L.221-2017,
 22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2022]: Sec. 2.1. (a) **This subsection applies after June 30,**
 24 **2022. This section applies only to a person who is at least eighteen**
 25 **(18) years of age but less than twenty-one (21) years of age.**

26 (b) As used in this section, "protection order" means a civil
 27 protection order issued under IC 34-26-5.

28 ~~(b)~~ (c) A person may carry a handgun without a license if the
 29 person:

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

36 during the period described in subsection ~~(e)~~ (d).

37 ~~(e)~~ (d) A person described in subsection ~~(b)~~ (c) may carry a handgun
 38 without a license for a period ending sixty (60) days after the date the
 39 protection order is issued.

40 SECTION 16. IC 35-47-2-3, AS AMENDED BY P.L.165-2021,
 41 SECTION 196, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) A person desiring a an



- 1 **optional** license to carry a handgun shall apply:
- 2 (1) to the chief of police or corresponding law enforcement officer
- 3 of the municipality in which the applicant resides;
- 4 (2) if that municipality has no such officer, or if the applicant does
- 5 not reside in a municipality, to the sheriff of the county in which
- 6 the applicant resides after the applicant has obtained an
- 7 application form prescribed by the superintendent; or
- 8 (3) if the applicant is a resident of another state and has a regular
- 9 place of business or employment in Indiana, to the sheriff of the
- 10 county in which the applicant has a regular place of business or
- 11 employment.

12 The superintendent and local law enforcement agencies shall allow an

13 applicant desiring to obtain or renew a license to carry a handgun to

14 submit an application electronically under this chapter if funds are

15 available to establish and maintain an electronic application system.

16 (b) This subsection applies before July 1, 2020. The law

17 enforcement agency which accepts an application for a handgun license

18 shall collect the following application fees:

- 19 (1) From a person applying for a four (4) year handgun license, a
- 20 ten dollar (\$10) application fee, five dollars (\$5) of which shall be
- 21 refunded if the license is not issued.
- 22 (2) From a person applying for a lifetime handgun license who
- 23 does not currently possess a valid Indiana handgun license, a fifty
- 24 dollar (\$50) application fee, thirty dollars (\$30) of which shall be
- 25 refunded if the license is not issued.
- 26 (3) From a person applying for a lifetime handgun license who
- 27 currently possesses a valid Indiana handgun license, a forty dollar
- 28 (\$40) application fee, thirty dollars (\$30) of which shall be
- 29 refunded if the license is not issued.

30 Except as provided in subsection (j), the fee shall be deposited into the

31 law enforcement agency's firearms training fund or other appropriate

32 training activities fund and used by the agency to train law enforcement

33 officers in the proper use of firearms or in other law enforcement

34 duties, or to purchase firearms, firearm related equipment, or body

35 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers

36 employed by the law enforcement agency. The state board of accounts

37 shall establish rules for the proper accounting and expenditure of funds

38 collected under this subsection.

39 (c) This subsection applies after June 30, 2020, and before July 1,

40 2021. The law enforcement agency which accepts an application for a

41 handgun license shall not collect a fee from a person applying for a five

42 (5) year handgun license and shall collect the following application



1 fees:

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

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

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

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

22 (e) The officer to whom the application is made shall ascertain the
23 applicant's name, full address, length of residence in the community,
24 whether the applicant's residence is located within the limits of any city
25 or town, the applicant's occupation, place of business or employment,
26 criminal record, if any, and convictions (minor traffic offenses
27 excepted), age, race, sex, nationality, date of birth, citizenship, height,
28 weight, build, color of hair, color of eyes, scars and marks, whether the
29 applicant has previously held an Indiana license to carry a handgun
30 and, if so, the serial number of the license and year issued, whether the
31 applicant's license has ever been suspended or revoked, and if so, the
32 year and reason for the suspension or revocation, and the applicant's
33 reason for desiring a license. If the applicant is not a United States
34 citizen, the officer to whom the application is made shall ascertain the
35 applicant's country of citizenship, place of birth, and any alien or
36 admission number issued by the United States Citizenship and
37 Immigration Services or United States Customs and Border Protection
38 or any successor agency as applicable. The officer to whom the
39 application is made shall conduct an investigation into the applicant's
40 official records and verify thereby the applicant's character and
41 reputation, and shall in addition verify for accuracy the information
42 contained in the application, and shall forward this information



1 together with the officer's recommendation for approval or disapproval
 2 and one (1) set of legible and classifiable fingerprints of the applicant
 3 to the superintendent. An investigation conducted under this section
 4 must include the consulting of available local, state, and federal
 5 criminal history data banks, including the National Instant Criminal
 6 Background Check System (NICS), to determine whether possession
 7 of a firearm by an applicant would be a violation of state or federal law.

8 (f) The superintendent may make whatever further investigation the
 9 superintendent deems necessary. Whenever disapproval is
 10 recommended, the officer to whom the application is made shall
 11 provide the superintendent and the applicant with the officer's complete
 12 and specific reasons, in writing, for the recommendation of
 13 disapproval.

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

- 15 (1) has a proper reason for carrying a handgun;
- 16 (2) is of good character and reputation;
- 17 (3) is a proper person to be licensed; and
- 18 (4) is:

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

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

22 the superintendent shall issue to the applicant a qualified or an
 23 unlimited license to carry any handgun lawfully possessed by the
 24 applicant. The original license shall be delivered to the licensee. A
 25 copy shall be delivered to the officer to whom the application for
 26 license was made. A copy shall be retained by the superintendent for
 27 at least five (5) years in the case of a five (5) year license. The
 28 superintendent may adopt guidelines to establish a records retention
 29 policy for a lifetime license. A five (5) year license shall be valid for a
 30 period of five (5) years from the date of issue. A lifetime license is
 31 valid for the life of the individual receiving the license. The license of
 32 police officers, sheriffs or their deputies, and law enforcement officers
 33 of the United States government who have twenty (20) or more years
 34 of service shall be valid for the life of these individuals. However, a
 35 lifetime license is automatically revoked if the license holder does not
 36 remain a proper person.

37 (h) At the time a license is issued and delivered to a licensee under
 38 subsection (g), the superintendent shall include with the license
 39 information concerning handgun safety rules that:

- 40 (1) neither opposes nor supports an individual's right to bear
 41 arms; and
- 42 (2) is:



- 1 (A) recommended by a nonprofit educational organization that
 2 is dedicated to providing education on safe handling and use
 3 of firearms;
 4 (B) prepared by the state police department; and
 5 (C) approved by the superintendent.
- 6 The superintendent may not deny a license under this section because
 7 the information required under this subsection is unavailable at the
 8 time the superintendent would otherwise issue a license. The state
 9 police department may accept private donations or grants to defray the
 10 cost of printing and mailing the information required under this
 11 subsection.
- 12 (i) A license to carry a handgun shall not be issued to any person
 13 who:
- 14 (1) has been convicted of a felony;
 - 15 (2) has had a license to carry a handgun suspended, unless the
 16 person's license has been reinstated;
 - 17 (3) is under eighteen (18) years of age;
 - 18 (4) is under twenty-three (23) years of age if the person has been
 19 adjudicated a delinquent child for an act that would be a felony if
 20 committed by an adult;
 - 21 (5) has been arrested for a Class A or Class B felony for an
 22 offense committed before July 1, 2014, for a Level 1, Level 2,
 23 Level 3, or Level 4 felony for an offense committed after June 30,
 24 2014, or any other felony that was committed while armed with
 25 a deadly weapon or that involved the use of violence, if a court
 26 has found probable cause to believe that the person committed the
 27 offense charged; or
 - 28 (6) is prohibited by federal law from possessing or receiving
 29 firearms under 18 U.S.C. 922(g).
- 30 In the case of an arrest under subdivision (5), a license to carry a
 31 handgun may be issued to a person who has been acquitted of the
 32 specific offense charged or if the charges for the specific offense are
 33 dismissed. The superintendent shall prescribe all forms to be used in
 34 connection with the administration of this chapter.
- 35 (j) If the law enforcement agency that charges a fee under
 36 subsection (b) or (c) is a city or town law enforcement agency, the fee
 37 shall be deposited in the law enforcement continuing education fund
 38 established under IC 5-2-8-2.
- 39 (k) If a person who holds a valid license to carry a handgun issued
 40 under this chapter:
- 41 (1) changes the person's name;
 - 42 (2) changes the person's address; or



- 1 (3) experiences a change, including an arrest or a conviction, that
 2 may affect the person's status as a proper person (as defined in
 3 IC 35-47-1-7) or otherwise disqualify the person from holding a
 4 license;
 5 the person shall, not later than thirty (30) days after the date of a
 6 change described under subdivision (3), and not later than sixty (60)
 7 days after the date of the change described under subdivision (1) or (2),
 8 notify the superintendent, in writing, of the event described under
 9 subdivision (3) or, in the case of a change under subdivision (1) or (2),
 10 the person's new name or new address.
- 11 (l) The state police shall indicate on the form for a license to carry
 12 a handgun the notification requirements of subsection (k).
- 13 (m) The state police department shall adopt rules under IC 4-22-2
 14 to:
- 15 (1) implement an electronic application system under subsection
 16 (a); and
 17 (2) expedite the processing of an application made by a person
 18 described in section ~~2-1(b)~~ **2.1(c)** of this chapter.
- 19 Rules adopted under this section must require the superintendent to
 20 keep on file one (1) set of classifiable and legible fingerprints from
 21 every person who has received a license to carry a handgun so that a
 22 person who applies to renew a license will not be required to submit an
 23 additional set of fingerprints.
- 24 (n) Except as provided in subsection (o), for purposes of
 25 IC 5-14-3-4(a)(1), the following information is confidential, may not
 26 be published, and is not open to public inspection:
- 27 (1) Information submitted by a person under this section to:
- 28 (A) obtain; or
 29 (B) renew;
 30 a license to carry a handgun.
- 31 (2) Information obtained by a federal, state, or local government
 32 entity in the course of an investigation concerning a person who
 33 applies to:
- 34 (A) obtain; or
 35 (B) renew;
 36 a license to carry a handgun issued under this chapter.
- 37 (3) The name, address, and any other information that may be
 38 used to identify a person who holds a license to carry a handgun
 39 issued under this chapter.
- 40 (o) Notwithstanding subsection (n):
- 41 (1) any information concerning an applicant for or a person who
 42 holds a license to carry a handgun issued under this chapter may



1 be released to a federal, state, or local government entity:

2 (A) for law enforcement purposes; or

3 (B) to determine the validity of a license to carry a handgun;
4 and

5 (2) general information concerning the issuance of licenses to
6 carry handguns in Indiana may be released to a person conducting
7 journalistic or academic research, but only if all personal
8 information that could disclose the identity of any person who
9 holds a license to carry a handgun issued under this chapter has
10 been removed from the general information.

11 (p) A person who knowingly or intentionally violates this section
12 commits a Class B misdemeanor.

13 SECTION 17. IC 35-47-2-4, AS AMENDED BY P.L.165-2021,
14 SECTION 197, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) Licenses to carry handguns
16 shall be either qualified or unlimited, and are valid for:

17 (1) five (5) years from the date of issue in the case of a five (5)
18 year license; or

19 (2) the life of the individual receiving the license in the case of a
20 lifetime license.

21 A qualified license shall be issued for hunting and target practice. An
22 individual may separately apply for and simultaneously hold both a five
23 (5) year license and a lifetime license. ~~The superintendent may adopt~~
24 ~~rules imposing limitations on the use and carrying of handguns under~~
25 ~~a license when handguns are carried by a licensee as a condition of~~
26 ~~employment.~~ Unlimited licenses shall be issued for the purpose of the
27 protection of life and property.

28 (b) This subsection applies before July 1, 2020. In addition to the
29 application fee, the fee for:

30 (1) a qualified license shall be:

31 (A) five dollars (\$5) for a five (5) year qualified license;

32 (B) twenty-five dollars (\$25) for a lifetime qualified license
33 from a person who does not currently possess a valid Indiana
34 handgun license; or

35 (C) twenty dollars (\$20) for a lifetime qualified license from
36 a person who currently possesses a valid Indiana handgun
37 license; and

38 (2) an unlimited license shall be:

39 (A) thirty dollars (\$30) for a five (5) year unlimited license;

40 (B) seventy-five dollars (\$75) for a lifetime unlimited license
41 from a person who does not currently possess a valid Indiana
42 handgun license; or



1 (C) sixty dollars (\$60) for a lifetime unlimited license from a
 2 person who currently possesses a valid Indiana handgun
 3 license.

4 The superintendent shall charge a twenty dollar (\$20) fee for the
 5 issuance of a duplicate license to replace a lost or damaged license.
 6 These fees shall be deposited in accordance with subsection (h).

7 (c) This subsection applies after June 30, 2020, and before July 1,
 8 2021. In addition to the application fee, the fee for:

- 9 (1) a qualified license is:
 10 (A) zero dollars (\$0) for a five (5) year qualified license;
 11 (B) twenty-five dollars (\$25) for a lifetime qualified license
 12 from a person who does not currently possess a valid Indiana
 13 handgun license; and
 14 (C) twenty dollars (\$20) for a lifetime qualified license from
 15 a person who currently possesses a valid Indiana handgun
 16 license; and
 17 (2) an unlimited license is:
 18 (A) zero dollars (\$0) for a five (5) year unlimited license;
 19 (B) seventy-five dollars (\$75) for a lifetime unlimited license
 20 from a person who does not currently possess a valid Indiana
 21 handgun license; and
 22 (C) sixty dollars (\$60) for a lifetime unlimited license from a
 23 person who currently possesses a valid Indiana handgun
 24 license.

25 The superintendent shall charge a twenty dollar (\$20) fee for the
 26 issuance of a duplicate license to replace a lost or damaged license.
 27 These fees shall be deposited in accordance with subsection (h).

28 (d) This subsection applies after June 30, 2021. There is no fee for
 29 a qualified or unlimited license. The superintendent shall charge a
 30 twenty dollar (\$20) fee for the issuance of a duplicate license to replace
 31 a lost or damaged license. This fee shall be deposited in accordance
 32 with subsection (h).

33 (e) Licensed dealers are exempt from the payment of fees specified
 34 in subsections (b) and (c) for a qualified license or an unlimited
 35 license.

36 (f) The following officers of this state or the United States who have
 37 been honorably retired by a lawfully created pension board or its
 38 equivalent after at least twenty (20) years of service or because of a
 39 disability are exempt from the payment of fees specified in subsections
 40 (b) and (c):

- 41 (1) Police officers.
 42 (2) Sheriffs or their deputies.



1 (3) Law enforcement officers.

2 (4) Correctional officers.

3 (g) The following officers described in section 3(g) of this chapter
4 who have at least twenty (20) years of service are exempt from the
5 payment of fees for a lifetime qualified license or a lifetime unlimited
6 license specified in subsections (b) and (c):

7 (1) Police officers.

8 (2) Sheriffs or their deputies.

9 (3) Law enforcement officers of the United States government.

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

12 (i) 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 another
16 state and who has a regular place of business or employment in Indiana
17 as described in section 3(a)(3) of this chapter.

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

20 SECTION 18. IC 35-47-2-24 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 24. (a) **This subsection
22 applies after June 30, 2022. This section does not apply to a person
23 who is arrested or subject to criminal prosecution under section
24 1(e) of this chapter.**

25 (b) In an information or indictment brought for the enforcement of
26 any provision of this chapter, it is not necessary to negate any
27 exemption specified under this chapter, or to allege the absence of a
28 license required under **section 1(b) of this chapter**. The burden of proof
29 is on the defendant to prove that he **or she** is exempt under section 2 of
30 this chapter, or that he **or she** has a license as required under **section
31 1(b) of this chapter**.

32 ~~(b)~~ (c) Whenever a person who has been arrested or charged with a
33 violation of section ~~1~~ **1(b)** of this chapter presents a valid license to the
34 prosecuting attorney or establishes that he **or she** is exempt under
35 section 2 of this chapter, any prosecution for a violation of section ~~1~~
36 **1(b)** of this chapter shall be dismissed immediately, and all records of
37 an arrest or proceedings following arrest shall be destroyed
38 immediately.

39 SECTION 19. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,
40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2022]: Sec. 4. This chapter may not be construed to prevent
42 any of the following:



- 1 (1) A law enforcement agency of a political subdivision from
 2 enacting and enforcing regulations pertaining to firearms,
 3 ammunition, or firearm accessories issued to or used by law
 4 enforcement officers in the course of their official duties.
- 5 (2) Subject to IC 34-28-7-2, an employer from regulating or
 6 prohibiting the employees of the employer from carrying firearms
 7 and ammunition in the course of the employee's official duties.
- 8 (3) A court or administrative law judge from hearing and
 9 resolving any case or controversy or issuing any opinion or order
 10 on a matter within the jurisdiction of the court or judge.
- 11 (4) The enactment or enforcement of generally applicable zoning
 12 or business ordinances that apply to firearms businesses to the
 13 same degree as other similar businesses. However, a provision of
 14 an ordinance that is designed or enforced to effectively restrict or
 15 prohibit the sale, purchase, transfer, manufacture, or display of
 16 firearms, ammunition, or firearm accessories that is otherwise
 17 lawful under the laws of this state is void. A unit (as defined in
 18 IC 36-1-2-23) may not use the unit's planning and zoning powers
 19 under IC 36-7-4 to prohibit the sale of firearms within a
 20 prescribed distance of any other type of commercial property or
 21 of school property or other educational property.
- 22 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a
 23 provision prohibiting or restricting the possession of a firearm in
 24 any building that contains the courtroom of a circuit, superior,
 25 city, town, or small claims court. However, if a portion of the
 26 building is occupied by a residential tenant or private business,
 27 any provision restricting or prohibiting the possession of a firearm
 28 does not apply to the portion of the building that is occupied by
 29 the residential tenant or private business, or to common areas of
 30 the building used by a residential tenant or private business.
- 31 (6) The enactment or enforcement of a provision prohibiting or
 32 restricting the intentional display of a firearm at a public meeting.
- 33 (7) The enactment or enforcement of a provision prohibiting or
 34 restricting the possession of a firearm in a public hospital
 35 corporation that contains a secure correctional health unit that is
 36 staffed by a law enforcement officer twenty-four (24) hours a day.
- 37 (8) The imposition of any restriction or condition placed on a
 38 person participating in:
- 39 (A) a community corrections program (IC 11-12-1);
 40 (B) a forensic diversion program (IC 11-12-3.7); or
 41 (C) a pretrial diversion program (IC 33-39-1).
- 42 (9) The enforcement or prosecution of the offense of criminal



1 reckless (IC 35-42-2-2) involving the use of a firearm.

2 (10) For an event occurring on property leased from a political
3 subdivision or municipal corporation by the promoter or organizer
4 of the event:

5 (A) the establishment, by the promoter or organizer, at the
6 promoter's or organizer's own discretion, of rules of conduct or
7 admission upon which attendance at or participation in the
8 event is conditioned; or

9 (B) the implementation or enforcement of the rules of conduct
10 or admission described in clause (A) by a political subdivision
11 or municipal corporation in connection with the event.

12 (11) The enactment or enforcement of a provision prohibiting or
13 restricting the possession of a firearm in a hospital established
14 and operated under IC 16-22-2 or IC 16-23.

15 (12) A unit from using the unit's planning and zoning powers
16 under IC 36-7-4 to prohibit the sale of firearms within two
17 hundred (200) feet of a school by a person having a business that
18 did not sell firearms within two hundred (200) feet of a school
19 before April 1, 1994.

20 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)
21 from enacting or enforcing a provision prohibiting or restricting
22 the possession of a firearm in a building owned or administered
23 by the unit if:

24 (A) metal detection devices are located at each public entrance
25 to the building;

26 (B) each public entrance to the building is staffed by at least
27 one (1) law enforcement officer:

28 (i) who has been adequately trained to conduct inspections
29 of persons entering the building by use of metal detection
30 devices and proper physical pat down searches; and

31 (ii) when the building is open to the public; and

32 (C) each:

33 (i) individual who enters the building through the public
34 entrance when the building is open to the public; and

35 (ii) bag, package, and other container carried by the
36 individual;

37 is inspected by a law enforcement officer described in clause
38 (B).

39 However, except as provided in subdivision (5) concerning a
40 building that contains a courtroom, a unit may not prohibit or
41 restrict the possession of a handgun under this subdivision in a
42 building owned or administered by the unit if the person who



1 possesses the handgun has been issued a valid license to carry the
2 handgun under IC 35-47-2. is not otherwise prohibited from
3 carrying or possessing a handgun.

