

# SENATE BILL No. 358

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-6-28; IC 35-31.5-2-25.5; IC 35-46-1-4; IC 35-47.

**Synopsis:** Firearm safety. Establishes the firearm safety and suicide prevention fund for the purpose of providing funds to a school or not-for-profit organization to provide training concerning: (1) firearm safety in the home, particularly in a home with minor children; and (2) firearm suicide prevention. Establishes grant eligibility criteria. Provides that neglect of a dependent includes storing an unsecured firearm in a location to which the dependent has access, unless: (1) the firearm is secured by a lock; (2) the firearm is not loaded and access to ammunition is secured by a lock; or (3) the manner in which the firearm is stored is objectively reasonable under the circumstances. Requires a person to report a missing firearm to law enforcement within 24 hours of discovering that the firearm is missing, and makes the failure to report a Class A misdemeanor. Requires a person to successfully complete a basic firearms safety training program before purchasing a firearm from a dealer, and requires a dealer to provide a safe storage device to a firearm purchaser. Makes it a 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. Makes an appropriation.

**Effective:** Upon passage; July 1, 2023.

---

---

## Qaddoura

---

---

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

---

---



First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

# SENATE BILL No. 358



A BILL FOR AN ACT to amend the Indiana Code concerning firearms and to make an appropriation.

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

1 SECTION 1. IC 5-2-6-28 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2023]: **Sec. 28. (a) The firearm safety and suicide prevention**  
4 **fund is established for the purpose of providing grants to a school**  
5 **or a not-for-profit organization to provide training concerning:**  
6 (1) **firearm safety in the home, particularly in a home with**  
7 **minor children; and**  
8 (2) **firearm suicide prevention.**  
9 **Money in the fund may be used only to carry out the purposes of**  
10 **the fund.**  
11 (b) **The fund shall be administered by the institute. The institute**  
12 **shall adopt grant eligibility criteria as follows:**  
13 (1) **A grant applicant may apply for not more than fifty**  
14 **thousand dollars (\$50,000) annually.**  
15 (2) **Only:**  
16 (A) **a school; or**  
17 (B) **an established not-for-profit organization with**



- 1 expertise in gun safety programs, as determined by the  
 2 institute;  
 3 may apply for a grant.
- 4 (3) The institute shall prioritize grant funding for:  
 5 (A) training for families with school aged or minor  
 6 children living in their household; and  
 7 (B) training in communities with the highest:  
 8 (i) crime rates;  
 9 (ii) risk of accidental shootings;  
 10 (iii) risk of mass shootings; and  
 11 (iv) rate or risk of suicide.
- 12 (c) The fund consists of:  
 13 (1) appropriations from the general assembly;  
 14 (2) grants; and  
 15 (3) donations.
- 16 (d) The expenses of administering the fund shall be paid from  
 17 money in the fund.
- 18 (e) The treasurer of state shall invest money in the fund not  
 19 currently needed to meet the obligations of the fund in the same  
 20 manner as other public money may be invested. Interest that  
 21 accrues from these investments shall be deposited in the fund.
- 22 (f) Money in the fund at the end of a state fiscal year does not  
 23 revert to the state general fund.
- 24 SECTION 2. IC 35-31.5-2-25.5 IS ADDED TO THE INDIANA  
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE UPON PASSAGE]: **Sec. 25.5. "Basic firearms safety  
 27 training program", for purposes of IC 35-47-1.5, has the meaning  
 28 set forth in IC 35-47-1.5-1.**
- 29 SECTION 3. IC 35-46-1-4, AS AMENDED BY P.L.170-2021,  
 30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2023]: **Sec. 4. (a) A person having the care of a dependent,  
 32 whether assumed voluntarily or because of a legal obligation, who  
 33 knowingly or intentionally:**  
 34 (1) places the dependent in a situation that endangers the  
 35 dependent's life or health, **including by storing an unsecured  
 36 firearm in a location to which the dependent has access,  
 37 unless:**  
 38 (A) the firearm is secured by a trigger lock, gun safe,  
 39 lockbox, or kept in a locked room, if the key or access code  
 40 to the lock is not readily available to the dependent;  
 41 (B) the firearm is not loaded and access to ammunition for  
 42 the firearm is separately secured in a gun safe, lockbox, or



- 1                   **kept in a locked room, if the key or access code to the lock**  
 2                   **is not readily available to the dependent; or**  
 3                   **(C) the manner in which the firearm is stored is objectively**  
 4                   **reasonable under the circumstances;**  
 5                   (2) abandons or cruelly confines the dependent;  
 6                   (3) deprives the dependent of necessary support; or  
 7                   (4) deprives the dependent of education as required by law;  
 8                   commits neglect of a dependent, a Level 6 felony.  
 9                   (b) However, the offense is:  
 10                   (1) a Level 5 felony if it is committed under subsection (a)(1),  
 11                   (a)(2), or (a)(3) and:  
 12                   (A) results in bodily injury; or  
 13                   (B) is:  
 14                   (i) committed in a location where a person is violating  
 15                   IC 35-48-4-1 (dealing in cocaine or a narcotic drug),  
 16                   IC 35-48-4-1.1 (dealing in methamphetamine), or  
 17                   IC 35-48-4-1.2 (manufacturing methamphetamine); or  
 18                   (ii) the result of a violation of IC 35-48-4-1 (dealing in  
 19                   cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in  
 20                   methamphetamine), or IC 35-48-4-1.2 (manufacturing  
 21                   methamphetamine);  
 22                   (2) a Level 3 felony if it is committed under subsection (a)(1),  
 23                   (a)(2), or (a)(3) and results in serious bodily injury;  
 24                   (3) a Level 1 felony if it is committed under subsection (a)(1),  
 25                   (a)(2), or (a)(3) by a person at least eighteen (18) years of age and  
 26                   results in the death or catastrophic injury of a dependent who is  
 27                   less than fourteen (14) years of age or in the death or catastrophic  
 28                   injury of a dependent of any age who has a mental or physical  
 29                   disability; and  
 30                   (4) a Level 5 felony if it is committed under subsection (a)(2) and  
 31                   consists of cruel confinement or abandonment that:  
 32                   (A) deprives a dependent of necessary food, water, or sanitary  
 33                   facilities;  
 34                   (B) consists of confinement in an area not intended for human  
 35                   habitation; or  
 36                   (C) involves the unlawful use of handcuffs, a rope, a cord,  
 37                   tape, or a similar device to physically restrain a dependent.  
 38                   (c) It is a defense to a prosecution based on an alleged act under this  
 39                   section that:  
 40                   (1) the accused person left a dependent child who was, at the time  
 41                   the alleged act occurred, not more than thirty (30) days of age:  
 42                   (A) in a newborn safety device described in



- 1 IC 31-34-2.5-1(a)(2), IC 31-34-2.5-1(a)(3),  
 2 IC 31-34-2.5-1(a)(4), or IC 31-34-2.5-1(a)(5); or  
 3 (B) with a person who is an emergency medical services  
 4 provider (as defined in IC 16-41-10-1) who took custody of the  
 5 child under IC 31-34-2.5;  
 6 when the prosecution is based solely on the alleged act of leaving  
 7 the child in the newborn safety device or with the emergency  
 8 medical services provider and the alleged act did not result in  
 9 bodily injury or serious bodily injury to the child; or  
 10 (2) the accused person, in the legitimate practice of the accused  
 11 person's religious belief, provided treatment by spiritual means  
 12 through prayer, in lieu of medical care, to the accused person's  
 13 dependent.
- 14 (d) Except for property transferred or received:  
 15 (1) under a court order made in connection with a proceeding  
 16 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5  
 17 or IC 31-6-5 before their repeal); or  
 18 (2) under section 9(d) of this chapter;  
 19 a person who transfers or receives any property in consideration for the  
 20 termination of the care, custody, or control of a person's dependent  
 21 child commits child selling, a Level 6 felony.
- 22 SECTION 4. IC 35-47-1-2.7 IS ADDED TO THE INDIANA CODE  
 23 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 24 **UPON PASSAGE]: Sec. 2.7. "Basic firearms safety training**  
 25 **program", for purposes of IC 35-47-1.5, has the meaning set forth**  
 26 **in IC 35-47-1.5-1.**
- 27 SECTION 5. IC 35-47-1.5 IS ADDED TO THE INDIANA CODE  
 28 AS A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**  
 29 **UPON PASSAGE]:**
- 30 **Chapter 1.5. Mandatory Firearms Training**
- 31 **Sec. 1. As used in this chapter, "basic firearms safety training**  
 32 **program" means a firearms training program approved by the**  
 33 **state police department under section 2 of this chapter.**
- 34 **Sec. 2. (a) Not later than June 1, 2023, the state police**  
 35 **department shall create a list of approved firearms training**  
 36 **programs.**
- 37 **(b) Not later than June 15, 2023, the state police department**  
 38 **shall:**
- 39 **(1) publish the list created under subsection (a) on the**  
 40 **department's website; and**  
 41 **(2) distribute the list created under subsection (a) to each**  
 42 **dealer located in Indiana.**



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

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

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

5               **(2) present to the dealer at the time of purchase a certificate**  
6               **of completion of the program described in subdivision (1).**

7           **(c) The cost of participating in the basic firearms safety training**  
8           **program must be paid by the person who participates in the**  
9           **program.**

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

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

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

16               **(2) from the prospective firearms purchaser under subsection**  
17               **(d);**

18          **commits a Class A misdemeanor.**

19          **(f) A person who:**

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

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

24          **commits a Class A misdemeanor.**

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

28          **(h) If a person:**

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

31               **(2) knowingly or intentionally forges a certificate of**  
32               **completion described in subsection (b)(2) more than one (1)**  
33               **time;**

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

37          **SECTION 6. IC 35-47-2-4.7 IS ADDED TO THE INDIANA CODE**  
38          **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
39          **1, 2023]: Sec. 4.7. (a) For purposes of this section, "safe storage**  
40          **device" means a:**

41               **(1) trigger lock;**

42               **(2) bore lock;**



- 1           **(3) cable lock; or**  
 2           **(4) device comparable to the devices listed in subdivisions (1)**  
 3           **through (3) that functions to temporarily render a firearm**  
 4           **inoperable.**

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

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

10          SECTION 7. IC 35-47-17 IS ADDED TO THE INDIANA CODE  
 11          AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 12          JULY 1, 2023]:

13          **Chapter 17. Duty to Report Stolen or Missing Firearms**

14          **Sec. 1. (a) Not later than twenty-four (24) hours after a firearm**  
 15          **owner discovers that a firearm belonging to the firearm owner is**  
 16          **missing, the firearm owner shall report the missing firearm to a**  
 17          **law enforcement agency.**

18          **(b) A person who knowingly or intentionally fails to report a**  
 19          **missing firearm as required by this section commits a Class A**  
 20          **misdemeanor.**

21          **Sec. 2. A law enforcement agency that receives a report of a**  
 22          **missing firearm under section 1 of this chapter shall:**

23               **(1) immediately enter into the Indiana data and**  
 24               **communication system (IDACS) computer (under**  
 25               **IC 10-13-3-35) all available information concerning the**  
 26               **missing firearm; and**

27               **(2) if the law enforcement agency participates in a firearm**  
 28               **crime task force, report the missing firearm to the task force**  
 29               **administrator.**

30          SECTION 8. [EFFECTIVE JULY 1, 2023] **(a) There is**  
 31          **appropriated from the state general fund to the firearm safety and**  
 32          **suicide prevention fund established by IC 5-2-6-28, as added by**  
 33          **this act, one million dollars (\$1,000,000) for carrying out the**  
 34          **purposes of the fund for the state fiscal year beginning July 1,**  
 35          **2023, and ending June 30, 2024.**

36          **(b) There is appropriated from the state general fund to the**  
 37          **firearm safety and suicide prevention fund established by**  
 38          **IC 5-2-6-28, as added by this act, one million dollars (\$1,000,000)**  
 39          **for carrying out the purposes of the fund for the state fiscal year**  
 40          **beginning July 1, 2024, and ending June 30, 2025.**

41          **(c) This SECTION expires July 1, 2025.**

42          SECTION 9. An emergency is declared for this act.

