



February 5, 2025

SENATE BILL No. 325

DIGEST OF SB 325 (Updated February 4, 2025 11:51 am - DI 140)

Citations Affected: IC 31-37; IC 35-31.5; IC 35-38; IC 35-42; IC 35-43.

Synopsis: Burglary and robbery of a gun retailer. Increases the penalty for burglary and robbery if the offense is committed on the premises of a firearm retail establishment. Makes conforming amendments.

Effective: July 1, 2025.

Freeman

January 13, 2025, read first time and referred to Committee on Corrections and Criminal Law.

February 4, 2025, reported favorably — Do Pass; reassigned to Committee on Appropriations.

SB 325—LS 6655/DI 106



February 5, 2025

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

SENATE BILL No. 325

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 31-37-19-9, AS AMENDED BY P.L.214-2013,
2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 9. (a) This section applies if a child is a delinquent
4 child under IC 31-37-1.
5 (b) After a juvenile court makes a determination under IC 11-8-8-5,
6 the juvenile court may, in addition to an order under section 6 of this
7 chapter, and if the child:
8 (1) is at least thirteen (13) years of age and less than sixteen (16)
9 years of age; and
10 (2) committed an act that, if committed by an adult, would be:
11 (A) murder (IC 35-42-1-1);
12 (B) kidnapping (IC 35-42-3-2);
13 (C) rape (IC 35-42-4-1);
14 (D) criminal deviate conduct (IC 35-42-4-2) (repealed); or
15 (E) robbery (IC 35-42-5-1) if the robbery was committed while
16 armed with a deadly weapon, **on the premises of a firearm**
17 **retail establishment (as defined in IC 35-31.5-2-134.5), or**

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1 if the robbery resulted in bodily injury or serious bodily injury;
 2 order wardship of the child to the department of correction for a fixed
 3 period that is not longer than the date the child becomes eighteen (18)
 4 years of age, subject to IC 11-10-2-10.

5 (c) Notwithstanding IC 11-10-2-5, the department of correction may
 6 not reduce the period ordered under this section (or
 7 IC 31-6-4-15.9(b)(8) before its repeal).

8 SECTION 2. IC 35-31.5-2-16, AS ADDED BY P.L.114-2012,
 9 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2025]: Sec. 16. "Ammunition", for purposes of **section 134.5**
 11 **of this chapter and** IC 35-47, has the meaning set forth in
 12 IC 35-47-1-2.5.

13 SECTION 3. IC 35-31.5-2-133, AS ADDED BY P.L.114-2012,
 14 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2025]: Sec. 133. (a) Except as provided in subsection (b),
 16 "firearm", for purposes of **section 134.5 of this chapter and** IC 35-47,
 17 has the meaning set forth in IC 35-47-1-5.

18 (b) "Firearm", for purposes of IC 35-47-15, has the meaning set
 19 forth in IC 35-47-15-1.

20 (c) "Firearm", for purposes of IC 35-50-2-11, has the meaning set
 21 forth in IC 35-50-2-11(a).

22 SECTION 4. IC 35-31.5-2-134, AS ADDED BY P.L.114-2012,
 23 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2025]: Sec. 134. "Firearm accessory", for purposes of **section**
 25 **134.5 of this chapter and** IC 35-47, has the meaning set forth in
 26 IC 35-47-1-5.1.

27 SECTION 5. IC 35-31.5-2-134.5 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2025]: **Sec. 134.5. "Firearm retail**
 30 **establishment" means:**

31 **(1) an establishment whose principal business is the sale of**
 32 **firearms, ammunition, or firearms accessories; or**

33 **(2) a gun show.**

34 SECTION 6. IC 35-31.5-2-147, AS ADDED BY P.L.114-2012,
 35 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2025]: Sec. 147. "Gun show", for purposes of **section 134.5**
 37 **of this chapter and** IC 35-47, has the meaning set forth in
 38 IC 35-47-1-5.5.

39 SECTION 7. IC 35-38-2.6-1, AS AMENDED BY P.L.148-2024,
 40 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2025]: Sec. 1. This chapter does not apply to persons
 42 convicted of any of the following offenses whenever any part of the



- 1 sentence may not be suspended under IC 35-50-2-2.2:
 2 (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.
 3 (2) A Level 1 felony.
 4 (3) A Class A felony.
 5 (4) Any of the following felonies:
 6 (A) Murder (IC 35-42-1-1).
 7 (B) A battery offense included in IC 35-42-2 with a deadly
 8 weapon or causing death.
 9 (C) Kidnapping (IC 35-42-3-2).
 10 (D) Criminal confinement (IC 35-42-3-3) with a deadly
 11 weapon.
 12 (E) Robbery (IC 35-42-5-1) resulting in serious bodily injury,
 13 **or with a deadly weapon, or committed on the premises of a**
 14 **firearm retail establishment.**
 15 (F) Arson (IC 35-43-1-1) for hire resulting in serious bodily
 16 injury.
 17 (G) Burglary (IC 35-43-2-1) resulting in serious bodily injury.
 18 (H) Resisting law enforcement (IC 35-44.1-3-1) with a deadly
 19 weapon.
 20 (I) Aggravated battery (IC 35-42-2-1.5).
 21 (J) Disarming a law enforcement officer (IC 35-44.1-3-2).
 22 (K) A sentence for a crime that is enhanced by criminal
 23 organization (IC 35-50-2-15).
 24 SECTION 8. IC 35-42-5-1, AS AMENDED BY P.L.202-2017,
 25 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2025]: Sec. 1. (a) Except as provided in subsection (b) **or (c)**,
 27 a person who knowingly or intentionally takes property from another
 28 person or from the presence of another person:
 29 (1) by using or threatening the use of force on any person; or
 30 (2) by putting any person in fear;
 31 commits robbery, a Level 5 felony.
 32 **(b) The offense described in subsection (a) is:**
 33 **(1) However, the offense is a Level 3 felony if it:**
 34 **(A) is committed while armed with a deadly weapon; or**
 35 **(B) results in bodily injury to any person other than a**
 36 **defendant; or**
 37 **(C) is committed on the premises of a firearm retail**
 38 **establishment; and**
 39 **(2) a Level 2 felony if it results in serious bodily injury to any**
 40 **person other than a defendant.**
 41 ~~(b)~~ **(c) A person who knowingly or intentionally takes a controlled**
 42 **substance from a pharmacist acting in an official capacity or from a**



- 1 pharmacy by:
- 2 (1) using or threatening the use of force on any person; or
- 3 (2) putting any person in fear;
- 4 commits robbery, a Level 4 felony. However, the offense is a Level 2
- 5 felony if it is committed while armed with a deadly weapon or results
- 6 in bodily injury to any person other than the defendant, and the offense
- 7 is a Level 1 felony if it results in serious bodily injury to any person
- 8 other than the defendant.
- 9 SECTION 9. IC 35-43-2-1, AS AMENDED BY P.L.158-2013,
- 10 SECTION 460, IS AMENDED TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2025]: Sec. 1. A person who breaks and enters
- 12 the building or structure of another person, with intent to commit a
- 13 felony or theft in it, commits burglary, a Level 5 felony. However, the
- 14 offense is:
- 15 (1) a Level 4 felony if the building or structure is a:
- 16 (A) dwelling; or
- 17 (B) **firearm retail establishment;**
- 18 (2) a Level 3 felony if it results in bodily injury to any person
- 19 other than a defendant;
- 20 (3) a Level 2 felony if it:
- 21 (A) is committed while armed with a deadly weapon; or
- 22 (B) results in serious bodily injury to any person other than a
- 23 defendant; and
- 24 (4) a Level 1 felony if:
- 25 (A) the building or structure is a dwelling; and
- 26 (B) it results in serious bodily injury to any person other than
- 27 a defendant.



COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 325, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 325 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 8, Nays 1

