

SENATE BILL No. 307

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47.

Synopsis: Regulation of firearms. Defines the term "regulated weapon". Defines the term "multiburst trigger activator". Requires a person wishing to: (1) sell; (2) trade; or (3) transfer; a firearm to conduct the transaction through a licensed Indiana firearms dealer. Requires a licensed Indiana firearms dealer to perform a NICS background check when facilitating the: (1) sale; (2) trade; or (3) transfer; of a firearm between private parties. Creates the crime of "unlawful transfer of a regulated weapon". Prohibits the: (1) sale; (2) trade; or (3) transfer; of a regulated weapon to a person less than 21 years of age. Provides that a dealer or person who: (1) sells; (2) trades; or (3) transfers; a regulated weapon to a person less than 21 years of age commits a Level 6 felony. Creates the crime of "unlawful possession of a multiburst trigger activator". Provides that the possession or sale of a multiburst trigger activator is a Class A misdemeanor. Provides that the crime of unlawful possession of a multiburst trigger activator is a Level 6 felony if the person has a prior, unrelated conviction for the offense. Makes conforming amendments.

Effective: July 1, 2019.

Stoops

January 7, 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. 307

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 35-47-2.5-1, AS AMENDED BY P.L.152-2014,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1. (a) Sections 2, **3, 4, and through** 5 of this
4 chapter do not apply to the following:
5 (1) Transactions between persons who are licensed as firearms
6 importers or collectors or firearms manufacturers or dealers under
7 18 U.S.C. 923.
8 (2) Purchases by or sales to a law enforcement officer or agent of
9 the United States, the state, or a county or local government.
10 (3) Indiana residents licensed to carry handguns under
11 IC 35-47-2-3.
12 (b) Notwithstanding any other provision of this chapter, the state
13 shall participate in the NICS if federal funds are available to assist the
14 state in participating in the NICS. If:
15 (1) the state participates in the NICS; and
16 (2) there is a conflict between:
17 (A) a provision of this chapter; and



1 (B) a procedure required under the NICS;
 2 the procedure required under the NICS prevails over the conflicting
 3 provision of this chapter.

4 SECTION 2. IC 35-47-2.5-4.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2019]: **Sec. 4.5. A person may not sell, trade,
 7 or transfer a firearm to another person unless:**

8 (1) the person transacts the sale, trade, or transfer of the
 9 firearm through a dealer; and

10 (2) the dealer:

11 (A) contacts NICS; and

12 (B) receives authorization from NICS to complete the
 13 requested sale, trade, or transfer.

14 SECTION 3. IC 35-47-2.5-12, AS AMENDED BY P.L.158-2013,
 15 SECTION 585, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2019]: **Sec. 12. (a)** A person who knowingly or
 17 intentionally makes a materially false statement on Form 4473
 18 completed under section 3 of this chapter commits a Level 6 felony.

19 (b) A person who knowingly or intentionally makes a materially
 20 false statement to a dealer, seller, or transferor of a firearm for the
 21 purpose of completing a transaction described in section 4.5 of this
 22 chapter commits a Level 6 felony.

23 SECTION 4. IC 35-47-2.5-12.5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2019]: **Sec. 12.5. (a)** This section does not
 26 apply to a person who complies with IC 35-47-10 (governing
 27 children and firearms).

28 (b) The following definitions apply throughout this section:

29 (1) "Action" means any mechanism on a firearm responsible
 30 for one (1) or more of the following:

31 (A) Loading a cartridge.

32 (B) Locking a cartridge.

33 (C) Firing a cartridge.

34 (D) Ejecting or extracting a cartridge.

35 (2) "Centerfire rifle" means a rifle capable of firing a
 36 projectile from a metallic cartridge containing the primer in
 37 the center of the cartridge case head.

38 (3) "Magazine" means any ammunition feeding and storage
 39 device within or attachable to a firearm.

40 (4) "Regulated weapon" means a semiautomatic, centerfire
 41 rifle with an internal magazine or the capability to accept a
 42 detachable magazine and at least one (1) of the following



- 1 **characteristics:**
 2 **(A) A pistol grip that protrudes beneath the action of the**
 3 **weapon.**
 4 **(B) A thumb hole stock.**
 5 **(C) A folding or telescoping stock.**
 6 **(D) A mount or lug capable of accepting or affixing a:**
 7 **(i) bayonet;**
 8 **(ii) flare launcher; or**
 9 **(iii) grenade launcher.**
 10 **(E) A flash suppressor.**
 11 **(F) A forward pistol grip.**
 12 **(5) "Rifle" means a weapon intended to be fired from the**
 13 **shoulder and:**
 14 **(A) designed or redesigned; or**
 15 **(B) made or remade;**
 16 **to use the energy of an explosive in a fixed metallic cartridge**
 17 **to fire a single projectile through a rifled bore or barrel.**
 18 **(6) "Semiautomatic" means any action that:**
 19 **(A) utilizes a portion of the energy of a firing cartridge to**
 20 **extract the fired cartridge case and chamber the next**
 21 **cartridge; and**
 22 **(B) requires a separate pull of the trigger to fire each**
 23 **cartridge.**
 24 **(c) A dealer or person may not sell, trade, or transfer a**
 25 **regulated weapon to a person who is less than twenty one (21)**
 26 **years of age.**
 27 **(d) A dealer or person who knowingly or intentionally violates**
 28 **this section commits unlawful transfer of a regulated weapon, a**
 29 **Level 6 felony.**
 30 **(e) It is a defense to a prosecution under subsection (c) that:**
 31 **(1) the accused person (or dealer acting on the person's**
 32 **behalf) contacted NICS to request a background check on the**
 33 **individual before the accused person provided the firearm to**
 34 **the individual; and**
 35 **(2) the accused person (or dealer acting on the person's**
 36 **behalf) received authorization from NICS to provide the**
 37 **firearm to the individual.**
 38 **SECTION 5. IC 35-47-2.5-13 IS AMENDED TO READ AS**
 39 **FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. Except as otherwise**
 40 **provided in this chapter, a dealer or person who knowingly or**
 41 **intentionally sells, rents, trades, or transfers a handgun in violation of**
 42 **this chapter commits a Class A misdemeanor.**



1 SECTION 6. IC 35-47-4-9 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]: **Sec. 9. (a) As used in this section, "multiburst trigger
4 activator" means any device that directly or indirectly depresses,
5 operates, or pulls the trigger of a firearm at a rate or speed that is
6 greater than the rate or speed of unaided, successive trigger
7 depressions, operations, or pulls. The term includes the following:**

8 (1) A bump stock.

9 (2) A trigger crank.

10 (3) A hellfire trigger or hellfire trigger assembly.

11 (b) A person who knowingly or intentionally:

12 (1) offers for sale; or

13 (2) possesses;

14 a multiburst trigger activator commits unlawful possession of a
15 multiburst trigger activator, a Class A misdemeanor. However, the
16 offense is a Level 6 felony if the person has a prior conviction
17 under this section.

18 (c) It is not a defense to a prosecution under this section that the
19 multiburst trigger activator is:

20 (1) not affixed to or installed in a firearm; or

21 (2) affixed to or installed in a disassembled, inoperable, or
22 unloaded firearm.

