



January 10, 2020

SENATE BILL No. 16

DIGEST OF SB 16 (Updated January 7, 2020 1:27 pm - DI 106)

Citations Affected: IC 31-37; IC 35-31.5; IC 35-47.

Synopsis: Juvenile delinquents and firearms. Prohibits a person who has been adjudicated a delinquent child for committing an act while armed with a firearm that would be a serious violent felony if committed by an adult (serious delinquent) from possessing a firearm unless the person is at least: (1) 26 years of age, in the case of less serious acts; or (2) 28 years of age, in the case of more serious acts. Makes possession of a firearm by a serious delinquent a Class A misdemeanor, and increases the penalty to a Level 6 felony for a second or subsequent offense. Requires a juvenile court to transmit certain findings to the office of judicial administration for transmission to the National Instant Criminal Background Check System (NICS) upon a finding of delinquency for an act that would be a serious violent felony if committed by an adult.

Effective: July 1, 2020.

Bohacek, Alting, Ruckelshaus

January 6, 2020, read first time and referred to Committee on Corrections and Criminal Law.
January 9, 2020, amended, reported favorably — Do Pass.

SB 16—LS 6141/DI 106



January 10, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 16

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 31-37-13-5, AS AMENDED BY P.L.168-2014,
2 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 5. **(a)** If a finding of delinquency is based on a
4 delinquent act that would be a felony if committed by an adult, the
5 juvenile court shall state in the findings the following:

6 (1) The specific statute that was violated.
7 (2) The class or level of the felony had the violation been
8 committed by an adult.

9 **(b) If a finding of delinquency is based on a delinquent act that**
10 **would be a serious violent felony (as defined in IC 35-47-4-5) if**
11 **committed by an adult, the juvenile court shall, notwithstanding**
12 **IC 31-39-1, transmit the finding to the office of judicial**
13 **administration for transmission to NICS (as defined in**
14 **IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.**

15 SECTION 2. IC 35-31.5-2-294, AS ADDED BY P.L.114-2012,
16 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2020]: Sec. 294. "Serious violent felony", for purposes of

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1 IC 35-47-4-5 and IC 35-47-4-9, has the meaning set forth in
 2 ~~IC 35-47-4-5(b)~~: IC 35-47-4-5.

3 SECTION 3. IC 35-47-4-9 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2020]: Sec. 9. (a) As used in this section, "serious violent felony"
 6 has the meaning set forth in section 5 of this chapter.

7 (b) A person who:

8 (1) has been adjudicated a delinquent child for committing an
 9 act while armed with a firearm that would be a serious violent
 10 felony if committed by an adult;

11 (2) is less than:

12 (A) twenty-six (26) years of age, if the delinquent act, if
 13 committed by an adult, would have been a:

14 (i) Level 6 felony;

15 (ii) Level 5 felony;

16 (iii) Level 4 felony; or

17 (iv) Level 3 felony; or

18 (B) twenty-eight (28) years of age, if the delinquent act, if
 19 committed by an adult, would have been:

20 (i) a Level 2 felony;

21 (ii) a Level 1 felony; or

22 (iii) murder; and

23 (3) knowingly or intentionally possesses a firearm;
 24 commits unlawful possession of a firearm by a dangerous person,
 25 a Class A misdemeanor. However, the offense is a Level 6 felony if
 26 the person has a prior unrelated conviction under this section.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 16, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 31-37-13-5, AS AMENDED BY P.L.168-2014, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) If a finding of delinquency is based on a delinquent act that would be a felony if committed by an adult, the juvenile court shall state in the findings the following:

(1) The specific statute that was violated.

(2) The class or level of the felony had the violation been committed by an adult.

(b) If a finding of delinquency is based on a delinquent act that would be a serious violent felony (as defined in IC 35-47-4-5) if committed by an adult, the juvenile court shall, notwithstanding IC 31-39-1, transmit the finding to the office of judicial administration for transmission to NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3."

Delete page 2.

Page 3, delete lines 1 through 4.

and when so amended that said bill do pass.

(Reference is to SB 16 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 8, Nays 0.

