

HOUSE BILL No. 1132

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; 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. Allows a person to possess or carry a handgun without a license unless the person: (1) has been convicted of certain 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. Repeals the current offense of carrying a handgun without a license and makes it a Class A misdemeanor for certain persons to possess or carry a handgun. Increases the penalty to a Level 5 felony in some instances. Makes conforming amendments and repeals obsolete provisions. Makes a technical correction.

Effective: July 1, 2022.

Lucas

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



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.

HOUSE BILL No. 1132

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 5-2-1-9, AS AMENDED BY P.L.187-2021,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:

- 8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.
- 13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.
- 16 (3) Minimum standards for courses of study, attendance
17 requirements, equipment, and facilities for approved town, city,



1 county, and state law enforcement officer, police reserve officer,
2 and conservation reserve officer training schools.

3 (4) Minimum standards for a course of study on cultural diversity
4 awareness, including training on the U nonimmigrant visa created
5 through the federal Victims of Trafficking and Violence
6 Protection Act of 2000 (P.L. 106-386) that must be required for
7 each person accepted for training at a law enforcement training
8 school or academy. Cultural diversity awareness study must
9 include an understanding of cultural issues related to race,
10 religion, gender, age, domestic violence, national origin, and
11 physical and mental disabilities.

12 (5) Minimum qualifications for instructors at approved law
13 enforcement training schools.

14 (6) Minimum basic training requirements which law enforcement
15 officers appointed to probationary terms shall complete before
16 being eligible for continued or permanent employment.

17 (7) Minimum basic training requirements which law enforcement
18 officers appointed on other than a permanent basis shall complete
19 in order to be eligible for continued employment or permanent
20 appointment.

21 (8) Minimum basic training requirements which law enforcement
22 officers appointed on a permanent basis shall complete in order
23 to be eligible for continued employment.

24 (9) Minimum basic training requirements for each person
25 accepted for training at a law enforcement training school or
26 academy that include six (6) hours of training in interacting with:

27 (A) persons with autism, mental illness, addictive disorders,
28 intellectual disabilities, and developmental disabilities;

29 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
30 and

31 (C) persons with Alzheimer's disease or related senile
32 dementia;

33 to be provided by persons approved by the secretary of family and
34 social services and the board. The training must include an
35 overview of the crisis intervention teams.

36 (10) Minimum standards for a course of study on human and
37 sexual trafficking that must be required for each person accepted
38 for training at a law enforcement training school or academy and
39 for inservice training programs for law enforcement officers. The
40 course must cover the following topics:

41 (A) Examination of the human and sexual trafficking laws (IC
42 35-42-3.5).



- 1 (B) Identification of human and sexual trafficking.
 2 (C) Communicating with traumatized persons.
 3 (D) Therapeutically appropriate investigative techniques.
 4 (E) Collaboration with federal law enforcement officials.
 5 (F) Rights of and protections afforded to victims.
 6 (G) Providing documentation that satisfies the Declaration of
 7 Law Enforcement Officer for Victim of Trafficking in Persons
 8 (Form I-914, Supplement B) requirements established under
 9 federal law.
 10 (H) The availability of community resources to assist human
 11 and sexual trafficking victims.
- 12 (11) Minimum standards for ongoing specialized, intensive, and
 13 integrative training for persons responsible for investigating
 14 sexual assault cases involving adult victims. This training must
 15 include instruction on:
 16 (A) the neurobiology of trauma;
 17 (B) trauma informed interviewing; and
 18 (C) investigative techniques.
- 19 (12) Minimum standards for de-escalation training. De-escalation
 20 training shall be taught as a part of existing use-of-force training
 21 and not as a separate topic.
- 22 (b) A law enforcement officer appointed after July 5, 1972, and
 23 before July 1, 1993, may not enforce the laws or ordinances of the state
 24 or any political subdivision unless the officer has, within one (1) year
 25 from the date of appointment, successfully completed the minimum
 26 basic training requirements established under this chapter by the board.
 27 If a person fails to successfully complete the basic training
 28 requirements within one (1) year from the date of employment, the
 29 officer may not perform any of the duties of a law enforcement officer
 30 involving control or direction of members of the public or exercising
 31 the power of arrest until the officer has successfully completed the
 32 training requirements. This subsection does not apply to any law
 33 enforcement officer appointed before July 6, 1972, or after June 30,
 34 1993.
- 35 (c) Military leave or other authorized leave of absence from law
 36 enforcement duty during the first year of employment after July 6,
 37 1972, shall toll the running of the first year, which shall be calculated
 38 by the aggregate of the time before and after the leave, for the purposes
 39 of this chapter.
- 40 (d) Except as provided in subsections (e), (m), (t), and (u), a law
 41 enforcement officer appointed to a law enforcement department or
 42 agency after June 30, 1993, may not:



- 1 (1) make an arrest;
- 2 (2) conduct a search or a seizure of a person or property; or
- 3 (3) carry a firearm;

4 unless the law enforcement officer successfully completes, at a board
5 certified law enforcement academy or at a law enforcement training
6 center under section 10.5 or 15.2 of this chapter, the basic training
7 requirements established by the board under this chapter.

8 (e) This subsection does not apply to:

- 9 (1) a gaming agent employed as a law enforcement officer by the
10 Indiana gaming commission; or

11 (2) an:

12 (A) attorney; or

13 (B) investigator;

14 designated by the securities commissioner as a police officer of
15 the state under IC 23-19-6-1(k).

16 Before a law enforcement officer appointed after June 30, 1993,
17 completes the basic training requirements, the law enforcement officer
18 may exercise the police powers described in subsection (d) if the
19 officer successfully completes the pre-basic course established in
20 subsection (f). Successful completion of the pre-basic course authorizes
21 a law enforcement officer to exercise the police powers described in
22 subsection (d) for one (1) year after the date the law enforcement
23 officer is appointed.

24 (f) The board shall adopt rules under IC 4-22-2 to establish a
25 pre-basic course for the purpose of training:

26 (1) law enforcement officers;

27 (2) police reserve officers (as described in IC 36-8-3-20); and

28 (3) conservation reserve officers (as described in IC 14-9-8-27);

29 regarding the subjects of arrest, search and seizure, the lawful use of
30 force, de-escalation training, interacting with individuals with autism,
31 and the operation of an emergency vehicle. The pre-basic course must
32 be offered on a periodic basis throughout the year at regional sites
33 statewide. The pre-basic course must consist of at least forty (40) hours
34 of course work. The board may prepare the classroom part of the
35 pre-basic course using available technology in conjunction with live
36 instruction. The board shall provide the course material, the instructors,
37 and the facilities at the regional sites throughout the state that are used
38 for the pre-basic course. In addition, the board may certify pre-basic
39 courses that may be conducted by other public or private training
40 entities, including postsecondary educational institutions.

41 (g) Subject to subsection (h), the board shall adopt rules under
42 IC 4-22-2 to establish a mandatory inservice training program for



1 police officers and police reserve officers (as described in
 2 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
 3 satisfactorily completed basic training and has been appointed to a law
 4 enforcement department or agency on either a full-time or part-time
 5 basis is not eligible for continued employment unless the officer
 6 satisfactorily completes the mandatory inservice training requirements
 7 established by rules adopted by the board. Inservice training must
 8 include de-escalation training. Inservice training must also include
 9 training in interacting with persons with mental illness, addictive
 10 disorders, intellectual disabilities, autism, developmental disabilities,
 11 and Alzheimer's disease or related senile dementia, to be provided by
 12 persons approved by the secretary of family and social services and the
 13 board, and training concerning human and sexual trafficking and high
 14 risk missing persons (as defined in IC 5-2-17-1). The board may
 15 approve courses offered by other public or private training entities,
 16 including postsecondary educational institutions, as necessary in order
 17 to ensure the availability of an adequate number of inservice training
 18 programs. The board may waive an officer's inservice training
 19 requirements if the board determines that the officer's reason for
 20 lacking the required amount of inservice training hours is due to either
 21 an emergency situation or the unavailability of courses.

22 (h) This subsection applies only to a mandatory inservice training
 23 program under subsection (g). Notwithstanding subsection (g), the
 24 board may, without adopting rules under IC 4-22-2, modify the course
 25 work of a training subject matter, modify the number of hours of
 26 training required within a particular subject matter, or add a new
 27 subject matter, if the board satisfies the following requirements:

28 (1) The board must conduct at least two (2) public meetings on
 29 the proposed modification or addition.

30 (2) After approving the modification or addition at a public
 31 meeting, the board must post notice of the modification or
 32 addition on the Indiana law enforcement academy's Internet web
 33 site at least thirty (30) days before the modification or addition
 34 takes effect.

35 If the board does not satisfy the requirements of this subsection, the
 36 modification or addition is void. This subsection does not authorize the
 37 board to eliminate any inservice training subject matter required under
 38 subsection (g).

39 (i) The board shall also adopt rules establishing a town marshal
 40 basic training program, subject to the following:

41 (1) The program must require fewer hours of instruction and class
 42 attendance and fewer courses of study than are required for the



- 1 mandated basic training program.
- 2 (2) Certain parts of the course materials may be studied by a
- 3 candidate at the candidate's home in order to fulfill requirements
- 4 of the program.
- 5 (3) Law enforcement officers successfully completing the
- 6 requirements of the program are eligible for appointment only in
- 7 towns employing the town marshal system (IC 36-5-7) and having
- 8 not more than one (1) marshal and two (2) deputies.
- 9 (4) The limitation imposed by subdivision (3) does not apply to an
- 10 officer who has successfully completed the mandated basic
- 11 training program.
- 12 (5) The time limitations imposed by subsections (b) and (c) for
- 13 completing the training are also applicable to the town marshal
- 14 basic training program.
- 15 (6) The program must require training in interacting with
- 16 individuals with autism.
- 17 (j) The board shall adopt rules under IC 4-22-2 to establish an
- 18 executive training program. The executive training program must
- 19 include training in the following areas:
- 20 (1) Liability.
- 21 (2) Media relations.
- 22 (3) Accounting and administration.
- 23 (4) Discipline.
- 24 (5) Department policy making.
- 25 (6) Lawful use of force and de-escalation training.
- 26 (7) Department programs.
- 27 (8) Emergency vehicle operation.
- 28 (9) Cultural diversity.
- 29 (k) A police chief shall apply for admission to the executive training
- 30 program within two (2) months of the date the police chief initially
- 31 takes office. A police chief must successfully complete the executive
- 32 training program within six (6) months of the date the police chief
- 33 initially takes office. However, if space in the executive training
- 34 program is not available at a time that will allow completion of the
- 35 executive training program within six (6) months of the date the police
- 36 chief initially takes office, the police chief must successfully complete
- 37 the next available executive training program that is offered after the
- 38 police chief initially takes office.
- 39 (l) A police chief who fails to comply with subsection (k) may not
- 40 continue to serve as the police chief until completion of the executive
- 41 training program. For the purposes of this subsection and subsection
- 42 (k), "police chief" refers to:



- 1 (1) the police chief of any city;
- 2 (2) the police chief of any town having a metropolitan police
- 3 department; and
- 4 (3) the chief of a consolidated law enforcement department
- 5 established under IC 36-3-1-5.1.

6 A town marshal is not considered to be a police chief for these
7 purposes, but a town marshal may enroll in the executive training
8 program.

9 (m) A fire investigator in the department of homeland security
10 appointed after December 31, 1993, is required to comply with the
11 basic training standards established under this chapter.

12 (n) The board shall adopt rules under IC 4-22-2 to establish a
13 program to certify handgun safety courses, including courses offered
14 in the private sector, that meet standards approved by the board for
15 training probation officers in handgun safety as required by
16 ~~IC 11-13-1-3.5(3)~~. **IC 11-13-1-3.5(2)**.

17 (o) The board shall adopt rules under IC 4-22-2 to establish a
18 refresher course for an officer who:

- 19 (1) is hired by an Indiana law enforcement department or agency
- 20 as a law enforcement officer;
- 21 (2) has not been employed as a law enforcement officer for:
- 22 (A) at least two (2) years; and
- 23 (B) less than six (6) years before the officer is hired under
- 24 subdivision (1); and
- 25 (3) completed at any time a basic training course certified or
- 26 recognized by the board before the officer is hired under
- 27 subdivision (1).

28 (p) An officer to whom subsection (o) applies must successfully
29 complete the refresher course described in subsection (o) not later than
30 six (6) months after the officer's date of hire, or the officer loses the
31 officer's powers of:

- 32 (1) arrest;
- 33 (2) search; and
- 34 (3) seizure.

35 (q) The board shall adopt rules under IC 4-22-2 to establish a
36 refresher course for an officer who:

- 37 (1) is appointed by an Indiana law enforcement department or
- 38 agency as a reserve police officer; and
- 39 (2) has not worked as a reserve police officer for at least two (2)
- 40 years after:
- 41 (A) completing the pre-basic course; or
- 42 (B) leaving the individual's last appointment as a reserve



1 police officer.
2 An officer to whom this subsection applies must successfully complete
3 the refresher course established by the board in order to work as a
4 reserve police officer.

5 (r) This subsection applies to an individual who, at the time the
6 individual completes a board certified or recognized basic training
7 course, has not been appointed as a law enforcement officer by an
8 Indiana law enforcement department or agency. If the individual is not
9 employed as a law enforcement officer for at least two (2) years after
10 completing the basic training course, the individual must successfully
11 retake and complete the basic training course as set forth in subsection
12 (d).

13 (s) The board shall adopt rules under IC 4-22-2 to establish a
14 refresher course for an individual who:

- 15 (1) is appointed as a board certified instructor of law enforcement
16 training; and
17 (2) has not provided law enforcement training instruction for
18 more than one (1) year after the date the individual's instructor
19 certification expired.

20 An individual to whom this subsection applies must successfully
21 complete the refresher course established by the board in order to
22 renew the individual's instructor certification.

23 (t) This subsection applies only to a gaming agent employed as a
24 law enforcement officer by the Indiana gaming commission. A gaming
25 agent appointed after June 30, 2005, may exercise the police powers
26 described in subsection (d) if:

- 27 (1) the agent successfully completes the pre-basic course
28 established in subsection (f); and
29 (2) the agent successfully completes any other training courses
30 established by the Indiana gaming commission in conjunction
31 with the board.

32 (u) This subsection applies only to a securities enforcement officer
33 designated as a law enforcement officer by the securities
34 commissioner. A securities enforcement officer may exercise the police
35 powers described in subsection (d) if:

- 36 (1) the securities enforcement officer successfully completes the
37 pre-basic course established in subsection (f); and
38 (2) the securities enforcement officer successfully completes any
39 other training courses established by the securities commissioner
40 in conjunction with the board.

41 (v) As used in this section, "upper level policymaking position"
42 refers to the following:



- 1 (1) If the authorized size of the department or town marshal
 2 system is not more than ten (10) members, the term refers to the
 3 position held by the police chief or town marshal.
- 4 (2) If the authorized size of the department or town marshal
 5 system is more than ten (10) members but less than fifty-one (51)
 6 members, the term refers to:
- 7 (A) the position held by the police chief or town marshal; and
 8 (B) each position held by the members of the police
 9 department or town marshal system in the next rank and pay
 10 grade immediately below the police chief or town marshal.
- 11 (3) If the authorized size of the department or town marshal
 12 system is more than fifty (50) members, the term refers to:
- 13 (A) the position held by the police chief or town marshal; and
 14 (B) each position held by the members of the police
 15 department or town marshal system in the next two (2) ranks
 16 and pay grades immediately below the police chief or town
 17 marshal.
- 18 (w) This subsection applies only to a correctional police officer
 19 employed by the department of correction. A correctional police officer
 20 may exercise the police powers described in subsection (d) if:
- 21 (1) the officer successfully completes the pre-basic course
 22 described in subsection (f); and
 23 (2) the officer successfully completes any other training courses
 24 established by the department of correction in conjunction with
 25 the board.
- 26 (x) This subsection applies only to the sexual assault training
 27 described in subsection (a)(11). The board shall:
- 28 (1) consult with experts on the neurobiology of trauma, trauma
 29 informed interviewing, and investigative techniques in developing
 30 the sexual assault training; and
 31 (2) develop the sexual assault training and begin offering the
 32 training not later than July 1, 2022.
- 33 (y) After July 1, 2023, a law enforcement officer who regularly
 34 investigates sexual assaults involving adult victims must complete the
 35 training requirements described in subsection (a)(11) within one (1)
 36 year of being assigned to regularly investigate sexual assaults involving
 37 adult victims.
- 38 (z) A law enforcement officer who regularly investigates sexual
 39 assaults involving adult victims may complete the training
 40 requirements described in subsection (a)(11) by attending a:
- 41 (1) statewide or national training; or
 42 (2) department hosted local training.



1 (aa) Notwithstanding any other provisions of this section, the board
 2 is authorized to establish certain required standards of training and
 3 procedure.

4 SECTION 2. IC 11-13-1-3.5, AS AMENDED BY P.L.4-2017,
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2022]: Sec. 3.5. A probation officer may not carry a handgun
 7 ~~as described in IC 35-47-2-1~~ **in any vehicle or on or about the**
 8 **probation officer's body** while acting in the scope of employment as
 9 a probation officer unless all of the following conditions are met:

10 (1) The appointing court enters an order authorizing the probation
 11 officer to carry the handgun while on duty.

12 ~~(2) The probation officer is issued a license to carry the handgun~~
 13 ~~under IC 35-47-2.~~

14 ~~(3)~~ **(2)** The probation officer successfully completes a handgun
 15 safety course certified by the law enforcement training board
 16 under IC 5-2-1-9(n).

17 SECTION 3. IC 14-16-1-23, AS AMENDED BY P.L.35-2011,
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2022]: Sec. 23. (a) An individual shall not operate a vehicle
 20 under any of the following conditions:

21 (1) At a rate of speed greater than is reasonable and proper having
 22 due regard for existing conditions or in a manner that
 23 unnecessarily endangers the person or property of another.

24 (2) While:

25 (A) under the influence of an alcoholic beverage; or

26 (B) unlawfully under the influence of a narcotic or other habit
 27 forming or dangerous depressant or stimulant drug.

28 (3) During the hours from thirty (30) minutes after sunset to thirty
 29 (30) minutes before sunrise without displaying a lighted headlight
 30 and a lighted taillight.

31 (4) In a forest nursery, a planting area, or public land posted or
 32 reasonably identified as an area of forest or plant reproduction
 33 and when growing stock may be damaged.

34 (5) On the frozen surface of public waters within:

35 (A) one hundred (100) feet of an individual not in or upon a
 36 vehicle; or

37 (B) one hundred (100) feet of a fishing shanty or shelter;
 38 except at a speed of not more than five (5) miles per hour.

39 (6) Unless the vehicle is equipped with a muffler in good working
 40 order and in constant operation to prevent excessive or unusual
 41 noise and annoying smoke.

42 (7) Within one hundred (100) feet of a dwelling between midnight



- 1 and 6:00 a.m., except on the individual's own property or property
- 2 under the individual's control or as an invited guest.
- 3 (8) On any property without the consent of the landowner or
- 4 tenant.
- 5 (9) While transporting on or in the vehicle a firearm, unless the
- 6 firearm is:
- 7 (A) unloaded; and
- 8 (B) securely encased or equipped with and made inoperative
- 9 by a manufactured keylocked trigger housing mechanism.
- 10 (10) On or across a cemetery or burial ground.
- 11 (11) Within one hundred (100) feet of a slide, ski, or skating area,
- 12 except for the purpose of servicing the area.
- 13 (12) On a railroad track or railroad right-of-way, except railroad
- 14 personnel in the performance of duties.
- 15 (13) In or upon a flowing river, stream, or creek, except for the
- 16 purpose of crossing by the shortest possible route, unless the
- 17 river, stream, or creek is of sufficient water depth to permit
- 18 movement by flotation of the vehicle at all times.
- 19 (14) An individual shall not operate a vehicle while a bow is
- 20 present in or on the vehicle if the nock of an arrow is in position
- 21 on the string of the bow.
- 22 (b) Subsection (a)(9) does not apply to a person who is carrying a
- 23 firearm:
- 24 (1) if:
- 25 (A) the firearm is a handgun; and
- 26 (B) the person ~~has been issued an unlimited handgun license~~
- 27 ~~to carry a handgun under IC 35-47-2; is not prohibited from~~
- 28 **possessing or carrying a firearm under state or federal**
- 29 **law; or**
- 30 ~~(2) if:~~
- 31 ~~(A) the firearm is a handgun; and~~
- 32 ~~(B) the person is not required to possess a license to carry a~~
- 33 ~~handgun under IC 35-47-2-2; or~~
- 34 ~~(3) (2) if the person carrying the firearm is operating the vehicle~~
- 35 ~~on property that the person:~~
- 36 ~~(A) owns;~~
- 37 ~~(B) has a contractual interest in;~~
- 38 ~~(C) otherwise legally possesses; or~~
- 39 ~~(D) has permission from a person described in clauses (A)~~
- 40 ~~through (C) to possess a firearm on.~~
- 41 SECTION 4. IC 31-30-1-4, AS AMENDED BY P.L.28-2016,
- 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 4. (a) The juvenile court does not have jurisdiction
2 over an individual for an alleged violation of:

- 3 (1) IC 35-41-5-1(a) (attempted murder);
4 (2) IC 35-42-1-1 (murder);
5 (3) IC 35-42-3-2 (kidnapping);
6 (4) IC 35-42-4-1 (rape);
7 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
8 (6) IC 35-42-5-1 (robbery) if:
9 (A) the robbery was committed while armed with a deadly
10 weapon; or
11 (B) the robbery results in bodily injury or serious bodily
12 injury;
13 (7) IC 35-42-5-2 (carjacking) (before its repeal);
14 (8) IC 35-47-2-1 (carrying a handgun without a license), if
15 charged as a felony **(before its repeal), or IC 35-47-2-1**
16 **(unlawful possession of a handgun), if charged as a felony;**
17 (9) IC 35-47-10 (children and firearms), if charged as a felony; or
18 (10) any offense that may be joined under IC 35-34-1-9(a)(2) with
19 any crime listed in this subsection;

20 if the individual was at least sixteen (16) years of age but less than
21 eighteen (18) years of age at the time of the alleged violation.

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

27 (c) If:

- 28 (1) an individual described in subsection (a) is charged with one
29 (1) or more offenses listed in subsection (a);
30 (2) all the charges under subsection (a)(1) through (a)(9) resulted
31 in an acquittal or were dismissed; and
32 (3) the individual pleads guilty to or is convicted of any offense
33 other than an offense listed in subsection (a)(1) through (a)(9);

34 the court having adult criminal jurisdiction may withhold judgment and
35 transfer jurisdiction to the juvenile court for adjudication and
36 disposition. In determining whether to transfer jurisdiction to the
37 juvenile court for adjudication and disposition, the court having adult
38 criminal jurisdiction shall consider whether there are appropriate
39 services available in the juvenile justice system, whether the child is
40 amenable to rehabilitation under the juvenile justice system, and
41 whether it is in the best interests of the safety and welfare of the
42 community that the child be transferred to juvenile court. All orders



1 concerning release conditions remain in effect until a juvenile court
 2 detention hearing, which must be held not later than forty-eight (48)
 3 hours, excluding Saturdays, Sundays, and legal holidays, after the order
 4 of transfer of jurisdiction.

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

10 SECTION 6. IC 35-31.5-2-78, AS AMENDED BY P.L.40-2019,
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2022]: Sec. 78. "Crime of domestic violence", for purposes of
 13 IC 5-2-6.1, IC 35-38-9, **IC 35-47-2-1**, and IC 35-47-4-7, means an
 14 offense or the attempt to commit an offense that:

15 (1) has as an element the:

16 (A) use of physical force; or

17 (B) threatened use of a deadly weapon; and

18 (2) is committed against a family or household member, as
 19 defined in section 128 of this chapter.

20 SECTION 7. IC 35-33-1-1, AS AMENDED BY P.L.65-2016,
 21 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2022]: Sec. 1. (a) A law enforcement officer may arrest a
 23 person when the officer has:

24 (1) a warrant commanding that the person be arrested;

25 (2) probable cause to believe the person has committed or
 26 attempted to commit, or is committing or attempting to commit,
 27 a felony;

28 (3) probable cause to believe the person has violated the
 29 provisions of IC 9-26-1-1.1 or IC 9-30-5;

30 (4) probable cause to believe the person is committing or
 31 attempting to commit a misdemeanor in the officer's presence;

32 (5) probable cause to believe the person has committed a:

33 (A) battery resulting in bodily injury under IC 35-42-2-1; or

34 (B) domestic battery under IC 35-42-2-1.3.

35 The officer may use an affidavit executed by an individual alleged
 36 to have direct knowledge of the incident alleging the elements of
 37 the offense of battery to establish probable cause;

38 (6) probable cause to believe that the person violated
 39 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;

40 (7) probable cause to believe that the person violated
 41 IC 35-47-2-1 (~~carrying a handgun without a license~~) (**unlawful**
 42 **possession of a handgun**) or IC 35-47-2-22 (counterfeit handgun



1 license);
 2 (8) probable cause to believe that the person is violating or has
 3 violated an order issued under IC 35-50-7;
 4 (9) probable cause to believe that the person is violating or has
 5 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
 6 device);
 7 (10) probable cause to believe that the person is:
 8 (A) violating or has violated IC 35-45-2-5 (interference with
 9 the reporting of a crime); and
 10 (B) interfering with or preventing the reporting of a crime
 11 involving domestic or family violence (as defined in
 12 IC 34-6-2-34.5);
 13 (11) probable cause to believe that the person has committed theft
 14 (IC 35-43-4-2);
 15 (12) a removal order issued for the person by an immigration
 16 court;
 17 (13) a detainer or notice of action for the person issued by the
 18 United States Department of Homeland Security; or
 19 (14) probable cause to believe that the person has been indicted
 20 for or convicted of one (1) or more aggravated felonies (as
 21 defined in 8 U.S.C. 1101(a)(43)).
 22 (b) A person who:
 23 (1) is employed full time as a federal enforcement officer;
 24 (2) is empowered to effect an arrest with or without warrant for a
 25 violation of the United States Code; and
 26 (3) is authorized to carry firearms in the performance of the
 27 person's duties;
 28 may act as an officer for the arrest of offenders against the laws of this
 29 state where the person reasonably believes that a felony has been or is
 30 about to be committed or attempted in the person's presence.
 31 SECTION 8. IC 35-47-1-2 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. "Alcohol abuser"
 33 means an individual who has had two (2) or more alcohol related
 34 offenses, any one (1) of which resulted in conviction by a court or
 35 treatment in an alcohol abuse facility within three (3) years prior to:
 36 (1) the date of the application; or
 37 (2) the carrying or possession of a handgun.
 38 SECTION 9. IC 35-47-1-4 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. "Drug abuser" means
 40 an individual who has had two (2) or more violations of ~~IC 35-48-1,~~
 41 ~~IC 35-48-2, IC 35-48-3, or~~ IC 35-48-4, any one (1) of which resulted
 42 in conviction by a court or treatment in a drug abuse facility within five



1 (5) years prior to:

2 (1) the date of application; or

3 (2) **the carrying or possession of a handgun.**

4 SECTION 10. IC 35-47-2-1, AS AMENDED BY P.L.221-2017,
5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2022]: Sec. 1. (a) Except as provided in subsections (b) and
7 (c) and sections 2 through 2.1 of this chapter, a person shall not carry
8 a handgun in any vehicle or on or about the person's body without
9 being licensed under this chapter to carry a handgun.

10 (b) Except as provided in subsection (c); a person may carry a
11 handgun without being licensed under this chapter to carry a handgun
12 if:

13 (1) the person carries the handgun on or about the person's body
14 in or on property that is owned; leased; rented; or otherwise
15 legally controlled by the person;

16 (2) the person carries the handgun on or about the person's body
17 while lawfully present in or on property that is owned; leased;
18 rented; or otherwise legally controlled by another person; if the
19 person:

20 (A) has the consent of the owner; renter; lessor; or person who
21 legally controls the property to have the handgun on the
22 premises;

23 (B) is attending a firearms related event on the property;
24 including a gun show; firearms expo; gun owner's club or
25 convention; hunting club; shooting club; or training course; or

26 (C) is on the property to receive firearms related services;
27 including the repair, maintenance, or modification of a
28 firearm;

29 (3) the person carries the handgun in a vehicle that is owned;
30 leased; rented; or otherwise legally controlled by the person; if the
31 handgun is:

32 (A) unloaded;

33 (B) not readily accessible; and

34 (C) secured in a case;

35 (4) the person carries the handgun while lawfully present in a
36 vehicle that is owned; leased; rented; or otherwise legally
37 controlled by another person; if the handgun is:

38 (A) unloaded;

39 (B) not readily accessible; and

40 (C) secured in a case;

41 (5) the person carries the handgun:

42 (A) at a shooting range (as defined in IC 14-22-31.5-3);



- 1 (B) while attending a firearms instructional course; or
 2 (C) while engaged in a legal hunting activity; or
 3 (6) the person is permitted to carry a handgun without a license
 4 under section 2.1 of this chapter (persons protected by a
 5 protection order).
 6 (c) Unless the person's right to possess a firearm has been restored
 7 under IC 35-47-4-7, a person who has been convicted of domestic
 8 battery under IC 35-42-2-1.3 may not possess or carry a handgun.
 9 (a) Except as provided in subsection (b), a person may possess
 10 or carry a handgun in any vehicle or on or about the person's body
 11 without being licensed under this chapter to carry a handgun.
 12 (b) A person who:
 13 (1) has a conviction for resisting law enforcement under
 14 IC 35-44.1-3-1 within five (5) years of the date the person
 15 possesses or carries a handgun;
 16 (2) has a conviction for a crime for which the person could
 17 have been sentenced for more than one (1) year;
 18 (3) has a conviction for:
 19 (A) a crime of domestic violence (as defined in
 20 IC 35-31.5-2-78); or
 21 (B) domestic battery under IC 35-42-2-1.3;
 22 unless a court has restored the person's right to possess a
 23 firearm under IC 35-47-4-7;
 24 (4) is prohibited by a court order from possessing a handgun;
 25 (5) has a record of being an alcohol abuser (as defined in
 26 IC 35-47-1-2) or a drug abuser (as defined in IC 35-47-1-4);
 27 (6) has a conviction for any crime involving an inability to
 28 safely handle a handgun;
 29 (7) has a conviction for violation of the provisions of this
 30 article within five (5) years of the date the person possesses or
 31 carries a handgun;
 32 (8) has an adjudication as a delinquent child for an act that
 33 would be a felony if committed by an adult, if the person is
 34 less than twenty-three (23) years of age;
 35 (9) has been involuntarily committed, other than a temporary
 36 commitment for observation or evaluation, to a mental
 37 institution by a court, board, commission, or other lawful
 38 authority;
 39 (10) has been the subject of a:
 40 (A) ninety (90) day commitment as a result of proceeding
 41 under IC 12-26-6; or
 42 (B) regular commitment under IC 12-26-7;



1 (11) has been found by a court to be mentally incompetent,
2 including being found:

3 (A) not guilty by reason of insanity;

4 (B) guilty but mentally ill; or

5 (C) incompetent to stand trial;

6 (12) is currently designated as dangerous (as defined in
7 IC 35-47-14-1) by a court following a hearing under
8 IC 35-47-14-6, unless the person has successfully petitioned
9 for the return of a firearm under IC 35-47-14-8; or

10 (13) is a child less than eighteen (18) years of age, unless
11 authorized under IC 35-47-10;

12 may not knowingly or intentionally possess or carry a handgun.

13 ~~(d)~~ (c) This section may not be construed:

14 (1) to prohibit a person who owns, leases, rents, or otherwise
15 legally controls private property from regulating or prohibiting the
16 possession of firearms on the private property;

17 (2) to allow a person to adopt or enforce an ordinance, resolution,
18 policy, or rule that:

19 (A) prohibits; or

20 (B) has the effect of prohibiting;

21 an employee of the person from possessing a firearm or
22 ammunition that is locked in the trunk of the employee's vehicle,
23 kept in the glove compartment of the employee's locked vehicle,
24 or stored out of plain sight in the employee's locked vehicle,
25 unless the person's adoption or enforcement of the ordinance,
26 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or

27 (3) to allow a person to adopt or enforce a law, statute, ordinance,
28 resolution, policy, or rule that allows a person to possess or
29 transport a firearm or ammunition if the person is prohibited from
30 possessing or transporting the firearm or ammunition by state or
31 federal law.

32 ~~(e)~~ (d) Except as provided in subsection (e), a person who
33 knowingly or intentionally violates ~~this section~~ subsection (b) commits
34 **unlawful possession of a handgun**, a Class A misdemeanor. However,
35 the offense is a Level 5 felony:

36 (1) if the offense is committed:

37 (A) on or in school property;

38 (B) within five hundred (500) feet of school property; or

39 (C) on a school bus; or

40 (2) if the person:

41 (A) has a prior conviction: ~~of any offense under:~~

42 (i) **of any offense under** this section; ~~or~~



1 (ii) of any offense under section 22 of this chapter; or
 2 (iii) for carrying a handgun without a license (before its
 3 repeal); or

4 (B) has been convicted of a felony within fifteen (15) years
 5 before the date of the offense.

6 (e) A child who possesses or carries a firearm in violation of
 7 IC 35-47-10 is subject to the penalties in IC 35-47-10.

8 SECTION 11. IC 35-47-2-2 IS REPEALED [EFFECTIVE JULY 1,
 9 2022]. See: 2- Section † of this chapter does not apply to:

10 (1) marshals;

11 (2) sheriffs;

12 (3) the commissioner of the department of correction or persons
 13 authorized by the commissioner in writing to carry firearms;

14 (4) judicial officers;

15 (5) law enforcement officers;

16 (6) members of the armed forces of the United States or of the
 17 national guard or organized reserves while they are on duty;

18 (7) regularly enrolled members of any organization duly
 19 authorized to purchase or receive such weapons from the United
 20 States or from this state who are at or are going to or from their
 21 place of assembly or target practice;

22 (8) employees of the United States duly authorized to carry
 23 handguns;

24 (9) employees of express companies when engaged in company
 25 business; or

26 (10) any person engaged in the business of manufacturing,
 27 repairing, or dealing in firearms or the agent or representative of
 28 any such person having in the person's possession, using, or
 29 carrying a handgun in the usual or ordinary course of that
 30 business.

31 SECTION 12. IC 35-47-2-2.1 IS REPEALED [EFFECTIVE JULY
 32 1, 2022]. See: 2-1. (a) As used in this section, "protection order" means
 33 a civil protection order issued under IC 34-26-5.

34 (b) A person may carry a handgun without a license if the person:

35 (1) has applied for a license to carry a handgun as described in
 36 IC 35-47-2-3;

37 (2) is protected by a protection order;

38 (3) is at least eighteen (18) years of age; and

39 (4) is not otherwise barred by state or federal law from possessing
 40 a handgun;

41 during the period described in subsection (c).

42 (c) A person described in subsection (b) may carry a handgun



1 without a license for a period ending sixty (60) days after the date the
 2 protection order is issued.

3 SECTION 13. IC 35-47-2-3, AS AMENDED BY P.L.165-2021,
 4 SECTION 196, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) A person desiring a **an**
 6 **optional** license to carry a handgun shall apply:

- 7 (1) to the chief of police or corresponding law enforcement officer
 8 of the municipality in which the applicant resides;
 9 (2) if that municipality has no such officer, or if the applicant does
 10 not reside in a municipality, to the sheriff of the county in which
 11 the applicant resides after the applicant has obtained an
 12 application form prescribed by the superintendent; or
 13 (3) if the applicant is a resident of another state and has a regular
 14 place of business or employment in Indiana, to the sheriff of the
 15 county in which the applicant has a regular place of business or
 16 employment.

17 The superintendent and local law enforcement agencies shall allow an
 18 applicant desiring to obtain or renew a license to carry a handgun to
 19 submit an application electronically under this chapter if funds are
 20 available to establish and maintain an electronic application system.

21 (b) This subsection applies before July 1, 2020. The law
 22 enforcement agency which accepts an application for a handgun license
 23 shall collect the following application fees:

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

35 Except as provided in subsection (j), the fee shall be deposited into the
 36 law enforcement agency's firearms training fund or other appropriate
 37 training activities fund and used by the agency to train law enforcement
 38 officers in the proper use of firearms or in other law enforcement
 39 duties, or to purchase firearms, firearm related equipment, or body
 40 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
 41 employed by the law enforcement agency. The state board of accounts
 42 shall establish rules for the proper accounting and expenditure of funds



1 collected under this subsection.

2 (c) This subsection applies after June 30, 2020, and before July 1,
3 2021. The law enforcement agency which accepts an application for a
4 handgun license shall not collect a fee from a person applying for a five
5 (5) year handgun license and shall collect the following application
6 fees:

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

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

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

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

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



1 or any successor agency as applicable. The officer to whom the
 2 application is made shall conduct an investigation into the applicant's
 3 official records and verify thereby the applicant's character and
 4 reputation, and shall in addition verify for accuracy the information
 5 contained in the application, and shall forward this information
 6 together with the officer's recommendation for approval or disapproval
 7 and one (1) set of legible and classifiable fingerprints of the applicant
 8 to the superintendent. An investigation conducted under this section
 9 must include the consulting of available local, state, and federal
 10 criminal history data banks, including the National Instant Criminal
 11 Background Check System (NICS), to determine whether possession
 12 of a firearm by an applicant would be a violation of state or federal law.

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

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

- 20 (1) has a proper reason for carrying a handgun;
- 21 (2) is of good character and reputation;
- 22 (3) is a proper person to be licensed; and
- 23 (4) is:

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

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

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

42 (h) At the time a license is issued and delivered to a licensee under



1 subsection (g), the superintendent shall include with the license
2 information concerning handgun safety rules that:

3 (1) neither opposes nor supports an individual's right to bear
4 arms; and

5 (2) is:

6 (A) recommended by a nonprofit educational organization that
7 is dedicated to providing education on safe handling and use
8 of firearms;

9 (B) prepared by the state police department; and

10 (C) approved by the superintendent.

11 The superintendent may not deny a license under this section because
12 the information required under this subsection is unavailable at the
13 time the superintendent would otherwise issue a license. The state
14 police department may accept private donations or grants to defray the
15 cost of printing and mailing the information required under this
16 subsection.

17 (i) A license to carry a handgun shall not be issued to any person
18 who:

19 (1) has been convicted of a felony;

20 (2) has had a license to carry a handgun suspended, unless the
21 person's license has been reinstated;

22 (3) is under eighteen (18) years of age;

23 (4) is under twenty-three (23) years of age if the person has been
24 adjudicated a delinquent child for an act that would be a felony if
25 committed by an adult;

26 (5) has been arrested for a Class A or Class B felony for an
27 offense committed before July 1, 2014, for a Level 1, Level 2,
28 Level 3, or Level 4 felony for an offense committed after June 30,
29 2014, or any other felony that was committed while armed with
30 a deadly weapon or that involved the use of violence, if a court
31 has found probable cause to believe that the person committed the
32 offense charged; or

33 (6) is prohibited by federal law from possessing or receiving
34 firearms under 18 U.S.C. 922(g).

35 In the case of an arrest under subdivision (5), a license to carry a
36 handgun may be issued to a person who has been acquitted of the
37 specific offense charged or if the charges for the specific offense are
38 dismissed. The superintendent shall prescribe all forms to be used in
39 connection with the administration of this chapter.

40 (j) If the law enforcement agency that charges a fee under
41 subsection (b) or (c) is a city or town law enforcement agency, the fee
42 shall be deposited in the law enforcement continuing education fund



1 established under IC 5-2-8-2.

2 (k) If a person who holds a valid license to carry a handgun issued
3 under this chapter:

- 4 (1) changes the person's name;
5 (2) changes the person's address; or
6 (3) experiences a change, including an arrest or a conviction, that
7 may affect the person's status as a proper person (as defined in
8 IC 35-47-1-7) or otherwise disqualify the person from holding a
9 license;

10 the person shall, not later than thirty (30) days after the date of a
11 change described under subdivision (3), and not later than sixty (60)
12 days after the date of the change described under subdivision (1) or (2),
13 notify the superintendent, in writing, of the event described under
14 subdivision (3) or, in the case of a change under subdivision (1) or (2),
15 the person's new name or new address.

16 (l) The state police shall indicate on the form for a license to carry
17 a handgun the notification requirements of subsection (k).

18 (m) The state police department shall adopt rules under IC 4-22-2
19 to

- 20 (†) implement an electronic application system under subsection
21 (a). ~~and~~
22 (‡) expedite the processing of an application made by a person
23 described in section 2-1(b) of this chapter.

24 Rules adopted under this section must require the superintendent to
25 keep on file one (1) set of classifiable and legible fingerprints from
26 every person who has received a license to carry a handgun so that a
27 person who applies to renew a license will not be required to submit an
28 additional set of fingerprints.

29 (n) Except as provided in subsection (o), for purposes of
30 IC 5-14-3-4(a)(1), the following information is confidential, may not
31 be published, and is not open to public inspection:

32 (1) Information submitted by a person under this section to:

- 33 (A) obtain; or
34 (B) renew;

35 a license to carry a handgun.

36 (2) Information obtained by a federal, state, or local government
37 entity in the course of an investigation concerning a person who
38 applies to:

- 39 (A) obtain; or
40 (B) renew;

41 a license to carry a handgun issued under this chapter.

42 (3) The name, address, and any other information that may be



- 1 used to identify a person who holds a license to carry a handgun
 2 issued under this chapter.
- 3 (o) Notwithstanding subsection (n):
- 4 (1) any information concerning an applicant for or a person who
 5 holds a license to carry a handgun issued under this chapter may
 6 be released to a federal, state, or local government entity:
- 7 (A) for law enforcement purposes; or
 8 (B) to determine the validity of a license to carry a handgun;
 9 and
- 10 (2) general information concerning the issuance of licenses to
 11 carry handguns in Indiana may be released to a person conducting
 12 journalistic or academic research, but only if all personal
 13 information that could disclose the identity of any person who
 14 holds a license to carry a handgun issued under this chapter has
 15 been removed from the general information.
- 16 (p) A person who knowingly or intentionally violates this section
 17 commits a Class B misdemeanor.
- 18 SECTION 14. IC 35-47-2-4, AS AMENDED BY P.L.165-2021,
 19 SECTION 197, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) Licenses to carry handguns
 21 shall be either qualified or unlimited, and are valid for:
- 22 (1) five (5) years from the date of issue in the case of a five (5)
 23 year license; or
 24 (2) the life of the individual receiving the license in the case of a
 25 lifetime license.
- 26 A qualified license shall be issued for hunting and target practice. An
 27 individual may separately apply for and simultaneously hold both a five
 28 (5) year license and a lifetime license. ~~The superintendent may adopt~~
 29 ~~rules imposing limitations on the use and carrying of handguns under~~
 30 ~~a license when handguns are carried by a licensee as a condition of~~
 31 ~~employment.~~ Unlimited licenses shall be issued for the purpose of the
 32 protection of life and property.
- 33 (b) This subsection applies before July 1, 2020. In addition to the
 34 application fee, the fee for:
- 35 (1) a qualified license shall be:
- 36 (A) five dollars (\$5) for a five (5) year qualified license;
 37 (B) twenty-five dollars (\$25) for a lifetime qualified license
 38 from a person who does not currently possess a valid Indiana
 39 handgun license; or
 40 (C) twenty dollars (\$20) for a lifetime qualified license from
 41 a person who currently possesses a valid Indiana handgun
 42 license; and



1 (2) an unlimited license shall be:

- 2 (A) thirty dollars (\$30) for a five (5) year unlimited license;
 3 (B) seventy-five dollars (\$75) for a lifetime unlimited license
 4 from a person who does not currently possess a valid Indiana
 5 handgun license; or
 6 (C) sixty dollars (\$60) for a lifetime unlimited license from a
 7 person who currently possesses a valid Indiana handgun
 8 license.

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

12 (c) This subsection applies after June 30, 2020, and before July 1,
 13 2021. In addition to the application fee, the fee for:

14 (1) a qualified license is:

- 15 (A) zero dollars (\$0) for a five (5) year qualified license;
 16 (B) twenty-five dollars (\$25) for a lifetime qualified license
 17 from a person who does not currently possess a valid Indiana
 18 handgun license; and
 19 (C) twenty dollars (\$20) for a lifetime qualified license from
 20 a person who currently possesses a valid Indiana handgun
 21 license; and

22 (2) an unlimited license is:

- 23 (A) zero dollars (\$0) for a five (5) year unlimited license;
 24 (B) seventy-five dollars (\$75) for a lifetime unlimited license
 25 from a person who does not currently possess a valid Indiana
 26 handgun license; and
 27 (C) sixty dollars (\$60) for a lifetime unlimited license from a
 28 person who currently possesses a valid Indiana handgun
 29 license.

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

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

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

41 (f) The following officers of this state or the United States who have
 42 been honorably retired by a lawfully created pension board or its



1 equivalent after at least twenty (20) years of service or because of a
 2 disability are exempt from the payment of fees specified in subsections
 3 (b) and (c):

- 4 (1) Police officers.
- 5 (2) Sheriffs or their deputies.
- 6 (3) Law enforcement officers.
- 7 (4) Correctional officers.

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

- 12 (1) Police officers.
- 13 (2) Sheriffs or their deputies.
- 14 (3) Law enforcement officers of the United States government.

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

17 (i) The superintendent may not issue a lifetime qualified license or
 18 a lifetime unlimited license to a person who is a resident of another
 19 state. The superintendent may issue a five (5) year qualified license or
 20 a five (5) year unlimited license to a person who is a resident of another
 21 state and who has a regular place of business or employment in Indiana
 22 as described in section 3(a)(3) of this chapter.

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

25 SECTION 15. IC 35-47-2-24 IS REPEALED [EFFECTIVE JULY
 26 1, 2022]. ~~Sec. 24. (a) In an information or indictment brought for the~~
 27 ~~enforcement of any provision of this chapter, it is not necessary to~~
 28 ~~negate any exemption specified under this chapter, or to allege the~~
 29 ~~absence of a license required under this chapter. The burden of proof~~
 30 ~~is on the defendant to prove that he is exempt under section 2 of this~~
 31 ~~chapter, or that he has a license as required under this chapter.~~

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

38 SECTION 16. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,
 39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2022]: Sec. 4. This chapter may not be construed to prevent
 41 any of the following:

- 42 (1) A law enforcement agency of a political subdivision from



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



- 1 (10) For an event occurring on property leased from a political
 2 subdivision or municipal corporation by the promoter or organizer
 3 of the event:
- 4 (A) the establishment, by the promoter or organizer, at the
 5 promoter's or organizer's own discretion, of rules of conduct or
 6 admission upon which attendance at or participation in the
 7 event is conditioned; or
 8 (B) the implementation or enforcement of the rules of conduct
 9 or admission described in clause (A) by a political subdivision
 10 or municipal corporation in connection with the event.
- 11 (11) The enactment or enforcement of a provision prohibiting or
 12 restricting the possession of a firearm in a hospital established
 13 and operated under IC 16-22-2 or IC 16-23.
- 14 (12) A unit from using the unit's planning and zoning powers
 15 under IC 36-7-4 to prohibit the sale of firearms within two
 16 hundred (200) feet of a school by a person having a business that
 17 did not sell firearms within two hundred (200) feet of a school
 18 before April 1, 1994.
- 19 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)
 20 from enacting or enforcing a provision prohibiting or restricting
 21 the possession of a firearm in a building owned or administered
 22 by the unit if:
- 23 (A) metal detection devices are located at each public entrance
 24 to the building;
- 25 (B) each public entrance to the building is staffed by at least
 26 one (1) law enforcement officer:
- 27 (i) who has been adequately trained to conduct inspections
 28 of persons entering the building by use of metal detection
 29 devices and proper physical pat down searches; and
 30 (ii) when the building is open to the public; and
- 31 (C) each:
- 32 (i) individual who enters the building through the public
 33 entrance when the building is open to the public; and
 34 (ii) bag, package, and other container carried by the
 35 individual;
- 36 is inspected by a law enforcement officer described in clause
 37 (B).
- 38 However, except as provided in subdivision (5) concerning a
 39 building that contains a courtroom, a unit may not prohibit or
 40 restrict the possession of a handgun under this subdivision in a
 41 building owned or administered by the unit if the person who
 42 possesses the handgun ~~has been issued a valid license to carry the~~



1 handgun under IC 35-47-2. is not otherwise prohibited from
2 carrying or possessing a handgun.

