



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1077 be amended to read as follows:

- 1 Page 13, between lines 5 and 6, begin a new paragraph and insert:
- 2 "SECTION 5. IC 35-31.5-2-19.5 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2022]: **Sec. 19.5. "Antique firearm", for**
- 5 **purposes of IC 35-47-1.5, has the meaning set forth in**
- 6 **IC 35-47-1.5-1.**
- 7 SECTION 6. IC 35-31.5-2-38, AS AMENDED BY P.L.252-2017,
- 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2022]: **Sec. 38. "Child", for purposes of IC 35-46-1-8,**
- 10 **IC 35-47-10, and IC 35-44.1-5-5, and IC 35-47-1.5, has the meaning**
- 11 **set forth in IC 35-47-10-3."**
- 12 Page 13, between lines 15 and 16, begin a new paragraph and insert:
- 13 "SECTION 8. IC 35-31.5-2-171.3 IS ADDED TO THE INDIANA
- 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2022]: **Sec. 171.3. "Inoperable firearm", for**
- 16 **purposes of IC 35-47-1.5, has the meaning set forth in**
- 17 **IC 35-47-1.5-3.**
- 18 SECTION 9. IC 35-31.5-2-188.1 IS ADDED TO THE INDIANA
- 19 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 2022]: **Sec. 188.1. "Loaded firearm", for**
- 21 **purposes of IC 35-47-1.5, has the meaning set forth in**

- 1 **IC 35-47-1.5-4.**
 2 SECTION 10. IC 35-31.5-2-288.5 IS ADDED TO THE INDIANA
 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2022]: **Sec. 288.5. "Secures", for purposes of**
 5 **IC 35-47-1.5, has the meaning set forth in IC 35-47-1.5-5."**
 6 Page 15, between lines 38 and 39, begin a new paragraph and insert:
 7 "SECTION 13. IC 35-47-1.5 IS ADDED TO THE INDIANA CODE
 8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2022]:
 10 **Chapter 1.5. Storage of Firearms**
 11 **Sec. 1. As used in this chapter, "antique firearm" has the**
 12 **meaning set forth in 18 U.S.C. 921(a)(16).**
 13 **Sec. 2. As used in this chapter, "child" has the meaning set forth**
 14 **in IC 35-47-10-3.**
 15 **Sec. 3. As used in this chapter, "inoperable firearm" means a**
 16 **firearm that is permanently unable to discharge or expel a**
 17 **projectile by means of an explosion. The term does not include any**
 18 **firearm that may be modified to discharge or expel a projectile by**
 19 **means of an explosion.**
 20 **Sec. 4. As used in this chapter, "loaded firearm" means a**
 21 **firearm with one (1) or more of the following characteristics:**
 22 (1) A bullet, cartridge, projectile, or round in the breech,
 23 chamber, or cylinder of the firearm.
 24 (2) Ammunition in close proximity to the firearm so that a
 25 person can readily insert the ammunition into the firearm.
 26 (3) Ammunition that is:
 27 (A) inserted or stored inside:
 28 (i) the firing chamber;
 29 (ii) a cylinder; or
 30 (iii) a fixed magazine;
 31 of the firearm; or
 32 (B) housed or stored inside a detachable magazine for the
 33 firearm.
 34 **Sec. 5. As used in this chapter, "secures" means to prevent**
 35 **access to a firearm. The term includes the following:**
 36 (1) Placing or storing the firearm in a locked container.
 37 (2) Temporarily rendering the firearm inoperable by:
 38 (A) use of a trigger lock, bore lock, cable lock, or
 39 comparable device; or
 40 (B) disassembling the firearm in a manner that prevents
 41 the firearm from operating.
 42 **Sec. 6. (a) This chapter does not apply to the following:**
 43 (1) Antique firearms.
 44 (2) Inoperable firearms.
 45 (3) A person who secures a firearm against unauthorized
 46 access.
 47 (4) A person who carries a firearm:

- 1 (A) on his or her person; or
- 2 (B) in such proximity to his or her person that the firearm
- 3 may be readily retrieved and used.
- 4 (5) Any use of a firearm described in IC 35-47-10-1(b).
- 5 (6) Any possession of a firearm described in IC 34-28-7.
- 6 (b) It is unlawful for a person to knowingly or intentionally
- 7 store or keep a loaded firearm on any premises under the person's
- 8 control if the person knows, or reasonably should know, that a
- 9 child is likely to gain access to the firearm.
- 10 (c) If:
- 11 (1) a person described in subsection (b) fails to secure a
- 12 firearm; and
- 13 (2) a child obtains possession of the unsecured firearm;
- 14 the person responsible for the control of the premises commits
- 15 unsafe storage of a firearm, a Class C misdemeanor. However, the
- 16 offense is a Class B misdemeanor if the person has a prior,
- 17 unrelated conviction for an offense under this section.
- 18 (d) If:
- 19 (1) a person described in subsection (b) fails to secure a
- 20 firearm; and
- 21 (2) use of the unsecured firearm by a child results in:
- 22 (A) any injury to; or
- 23 (B) the death of;
- 24 any other person;
- 25 the person responsible for control of the premises commits
- 26 dangerous storage of a firearm, a Class A misdemeanor. However,
- 27 the offense is a Level 6 felony if the person has a prior, unrelated
- 28 conviction for an offense under this section.
- 29 (e) It is a defense to a prosecution under subsection (c) that the
- 30 possession of the firearm by a child was the result of the
- 31 commission of an act that would be an offense described in one (1)
- 32 or more of the following sections if committed by an adult:
- 33 (1) Burglary (IC 35-43-2-1).
- 34 (2) Residential entry (IC 35-43-2-1.5).
- 35 (3) Robbery (IC 35-42-5-1).
- 36 (4) Theft (IC 35-43-4-2).
- 37 (5) Criminal conversion (IC 35-43-4-3).
- 38 (f) It is a defense to a prosecution under subsection (d) that the
- 39 injury or death inflicted on the other person occurred during a
- 40 lawful act of:
- 41 (1) self-defense; or
- 42 (2) defense of a third party."
- 43 Page 29, between lines 17 and 18, begin a new paragraph and insert:
- 44 "SECTION 20. IC 35-47-2-14.5 IS ADDED TO THE INDIANA
- 45 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 46 [EFFECTIVE JULY 1, 2022]: Sec. 14.5. (a) A retail dealer shall
- 47 conspicuously display at the site of the retail dealer's business a

1 sign with the following language:
2 "IT IS UNLAWFUL TO LEAVE AN UNSECURED FIREARM
3 IN A LOCATION WHERE CHILDREN ARE LIKELY TO BE
4 AND MAY OBTAIN ACCESS TO THE FIREARM."
5 (b) A retail dealer who knowingly or intentionally violates
6 subsection (a) commits a Class C infraction. However, the violation
7 is a Class A infraction if the retail dealer has a prior unrelated
8 adjudication for the violation."
9 Renumber all SECTIONS consecutively.
(Reference is to HB 1077 as printed January 6, 2022.)

Representative Gore