

SENATE BILL No. 224

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-28-10; IC 35-31.5-2-93.5; IC 35-47-17.

Synopsis: Disguised firearms. Defines "safety indicator" as a device or coloration designed to indicate that a toy firearm or realistic imitation firearm is not a genuine firearm. Makes it a Class C infraction to remove a safety indicator and openly carry a toy firearm or realistic imitation firearm in public. Permits a realistic imitation firearm to be used in a competition under certain conditions. Makes it a Class A misdemeanor to possess a firearm modified to resemble a toy firearm, and increases the penalty to a Level 6 felony if the person possessed the modified firearm while committing a crime.

Effective: July 1, 2015.

Crider

January 6, 2015, read first time and referred to Committee on Corrections & Criminal Law.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 224

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 34-28-10 IS ADDED TO THE INDIANA CODE
 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2015]:
 4 **Chapter 10. Toy Firearms Safety**
 5 **Sec. 1. The following definitions apply throughout this chapter:**
 6 (1) "Realistic imitation firearm" means a device that:
 7 (A) is not a firearm (as defined in IC 35-47-1-5);
 8 (B) is designed to resemble a firearm; and
 9 (C) may be used competitively or for target shooting.
 10 The term includes a BB gun, a pellet gun, an airsoft gun, and
 11 a paintball gun.
 12 (2) "Safety indicator" means any device or coloration on a toy
 13 firearm or realistic imitation firearm designed to show at a
 14 distance that the toy firearm or realistic imitation firearm is
 15 not a real firearm. The term includes:
 16 (A) orange coloring on the body or barrel of the toy



- 1 firearm or realistic imitation firearm; and
 2 **(B) an orange barrel plug at the muzzle end of the barrel**
 3 **of the toy firearm or realistic imitation firearm.**
 4 **(3) "Toy firearm" means a device that:**
 5 **(A) resembles a firearm;**
 6 **(B) is primarily marketed for sale to children; and**
 7 **(C) is not used competitively.**
 8 **Sec. 2. Except as provided in section 3 of this chapter, a person**
 9 **who:**
 10 **(1) removes a safety indicator from a toy firearm or realistic**
 11 **imitation firearm; and**
 12 **(2) without enclosing the toy firearm or realistic imitation**
 13 **firearm in an opaque case or container, carries the toy**
 14 **firearm or realistic imitation firearm in a public place or**
 15 **location open to the general public;**
 16 **commits a Class C infraction.**
 17 **Sec. 3. Section 2 of this chapter does not apply to a realistic**
 18 **imitation firearm at a competition or target range if:**
 19 **(1) the competition or target shooting takes place on private**
 20 **property and is not open to the general public; or**
 21 **(2) the competition or target shooting takes place in a**
 22 **specifically demarcated area or building and the nature of the**
 23 **event is clearly indicated by signs.**
 24 SECTION 2. IC 35-31.5-2-93.5 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2015]: **Sec. 93.5. "Disguised firearm", for**
 27 **purposes of IC 35-47-17, has the meaning set forth in**
 28 **IC 35-47-17-1.**
 29 SECTION 3. IC 35-47-17 IS ADDED TO THE INDIANA CODE
 30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2015]:
 32 **Chapter 17. Disguised Firearms**
 33 **Sec. 1. As used in this chapter, "disguised firearm" means a**
 34 **firearm that has been modified or camouflaged so that the firearm**
 35 **appears to be a toy or replica firearm. The term includes a**
 36 **firearm:**
 37 **(1) modified to resemble a toy or replica firearm by:**
 38 **(A) painting the firearm or part of the firearm in a high**
 39 **visibility color commonly used on toy or replica firearms;**
 40 **or**
 41 **(B) attaching a high visibility piece to the firearm, such as**
 42 **an orange barrel tip, that resembles high visibility pieces**



- 1 commonly attached to toy or replica firearms; or
2 (2) that has been camouflaged by:
3 (A) placing it inside a toy or replica firearm; or
4 (B) attaching parts of a toy or replica firearm to the
5 exterior of the firearm.

6 The term does not include a firearm with an attached hunter
7 orange stock, grip, or other part, if the stock, grip, or other part
8 was specifically manufactured or marketed for the purpose of
9 hunter safety.

10 Sec. 2. A person who knowingly or intentionally possesses a
11 disguised firearm commits possession of a disguised firearm, a
12 Class A misdemeanor. However, the offense is a Level 6 felony if
13 the person possesses the firearm while committing a crime.

