



April 5, 2019

ENGROSSED

HOUSE BILL No. 1651

DIGEST OF HB 1651 (Updated April 3, 2019 3:54 pm - DI 128)

Citations Affected: IC 12-26; IC 31-39; IC 35-31.5; IC 35-47.

Synopsis: Judicial evaluation of dangerous individuals and firearms. Provides that a dangerous person is not a proper person for the purpose of: (1) applying for; or (2) receiving; a license to carry a handgun. Provides that a dangerous person who knowingly or intentionally: (1) rents; (2) purchases; (3) receives transfer of; (4) owns; or (5) possesses; a firearm commits dangerous possession of a firearm, a Class A misdemeanor. Provides that a person who knowingly or intentionally: (1) rents; (2) transfers; (3) sells; or (4) offers for sale; a firearm to a
(Continued next page)

Effective: Upon passage; July 1, 2019.

Schaibley, McNamara, Hamilton

(SENATE SPONSORS — HOUCHIN, MESSMER, RUCKELSHAUS)

January 24, 2019, read first time and referred to Committee on Courts and Criminal Code.
February 7, 2019, amended, reported — Do Pass.
February 11, 2019, read second time, amended, ordered engrossed.
February 12, 2019, engrossed. Read third time, passed. Yeas 90, nays 2.

SENATE ACTION

March 7, 2019, read first time and referred to Committee on Judiciary.
April 4, 2019, amended, reported — Do Pass; reassigned to Committee on Tax and Fiscal Policy pursuant to Rule 68(b).

EH 1651—LS 7550/DI 123



Digest Continued

person that a court has found to be dangerous or prohibited from owning or possessing a firearm commits dangerous transfer of a firearm, a Level 5 felony. Requires a law enforcement officer (officer) who seizes a firearm from a person believed to be dangerous without a warrant to provide an affidavit to a court with jurisdiction over the person at issue: (1) not later than 48 hours after the seizure or attempted seizure of the firearm; and (2) for each seizure or attempted seizure of a firearm from the person. Requires a court to order the retention of a seized firearm by a law enforcement agency if the court: (1) finds; or (2) has previously found; the person to be dangerous. Requires a court to determine if a person is dangerous by conducting a hearing. Provides that if a court finds that an individual is not dangerous or no longer dangerous, the court shall order the law enforcement agency having custody of the firearm confiscated, recovered, or seized from the individual to return the firearm to the individual as quickly as practicable, but not later than five days after the court's order. Provides that a dangerous person may petition a court for a court order vacating the person's designation as a dangerous individual 180 days after being found dangerous by a circuit or superior court. Defines "responsible third party". Provides minimum ages by which a person may seek expungement of records of a person 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. Exempts certain law enforcement and retired law enforcement officers described in the federal Law Enforcement Officers Safety Act (LEOSA) from the prohibition against carrying a firearm on school property. Permits a person who may legally possess a firearm to possess a firearm on school property if the person possesses the firearm: (1) as an employee or volunteer of a house of worship located on the school property; or (2) while attending a worship service or religious ceremony conducted at a house of worship. Increases the duration of a four year handgun license to five years. Provides that an individual may simultaneously hold both a five year license and a lifetime license. Requires a law enforcement officer to whom an application for a handgun license is made to consult available local, state, and federal criminal history data banks, including the National Instant Criminal Background Check System (NICS), when determining whether possession of a firearm by an applicant would be a violation of state or federal law. Modifies the fees for five year licenses beginning July 1, 2020.

EH 1651—LS 7550/DI 123



April 5, 2019

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.

ENGROSSED HOUSE BILL No. 1651

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 12-26-6-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A commitment
3 under this chapter may be begun by any of the following methods:
4 (1) Upon request of the superintendent under IC 12-26-3-5.
5 (2) An order of the court:
6 (A) having jurisdiction over the individual following
7 emergency detention; **or**
8 (B) **referring an individual following a hearing under**
9 **IC 35-47-14-6.**
10 (3) Filing a petition with a court having jurisdiction in the county:
11 (A) of residence of the individual; or
12 (B) where the individual may be found.
13 (b) A petitioner under subsection (a)(3) must be at least eighteen
14 (18) years of age.
15 (c) A petition under subsection (a)(3) must include a physician's

EH 1651—LS 7550/DI 123



- 1 written statement stating both of the following:
- 2 (1) The physician has examined the individual within the past
- 3 thirty (30) days.
- 4 (2) The physician believes the individual is:
- 5 (A) mentally ill and either dangerous or gravely disabled; and
- 6 (B) in need of custody, care, or treatment in an appropriate
- 7 facility.
- 8 SECTION 2. IC 31-39-8-3, AS AMENDED BY P.L.86-2017,
- 9 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2019]: Sec. 3. (a) **Except as provided in subsection (f)**, a
- 11 person may initiate a petition for the expungement of records of a child
- 12 alleged to be a delinquent child or a child in need of services by filing
- 13 a verified petition in the juvenile court in the county of the original
- 14 action. The petition must set forth the following:
- 15 (1) The allegations and date of adjudication, if applicable, of the
- 16 juvenile delinquency or child in need of services adjudications.
- 17 (2) The court in which juvenile delinquency or child in need of
- 18 services allegations or petitions were filed.
- 19 (3) The law enforcement agency that employs the charging
- 20 officer, if known.
- 21 (4) The case number or court cause number.
- 22 (5) Date of birth of the petitioner.
- 23 (6) Petitioner's Social Security number.
- 24 (7) All juvenile delinquency or child in need of services
- 25 adjudications and criminal convictions occurring after the
- 26 adjudication of the action sought to be expunged.
- 27 (8) All pending actions under IC 31-34 or IC 31-37 or criminal
- 28 charges.
- 29 (b) A petition described in subsection (a) shall be served on:
- 30 (1) the prosecuting attorney; or
- 31 (2) in the case of a child in need of services case, the department
- 32 of child services.
- 33 (c) The prosecuting attorney or department of child services has
- 34 thirty (30) days in which to reply or otherwise object to the petition.
- 35 The court may reduce the time in which a response must be filed for a
- 36 show of good cause or within its discretion after a hearing is held.
- 37 (d) If the prosecuting attorney or department of child services timely
- 38 files an objection to the petition, the matter shall be set for a hearing.
- 39 If no objection is filed, the court may set the petition for a hearing or
- 40 rule on the petition without a hearing.
- 41 (e) In considering whether to grant the petition, the juvenile court
- 42 may review:



- 1 (1) the best interests of the child;
- 2 (2) the age of the person during the person's contact with the
- 3 juvenile court or law enforcement agency;
- 4 (3) the nature of any allegations;
- 5 (4) whether there was an informal adjustment or an adjudication;
- 6 (5) the disposition of the case;
- 7 (6) the manner in which the person participated in any court
- 8 ordered or supervised services;
- 9 (7) the time during which the person has been without contact
- 10 with the juvenile court or with any law enforcement agency;
- 11 (8) whether the person acquired a criminal record; and
- 12 (9) the person's current status.

13 **(f) A person may not seek expungement of the records of a**
 14 **person adjudicated a delinquent child for committing an act while**
 15 **armed with a firearm that would be a serious violent felony (as**
 16 **defined in IC 35-47-4-5) if committed by an adult, unless the person**
 17 **who was adjudicated is at least:**

- 18 (1) twenty-six (26) years of age, if the delinquent act, if
- 19 committed by an adult, would have been a:
 - 20 (A) Level 6 felony;
 - 21 (B) Level 5 felony;
 - 22 (C) Level 4 felony; or
 - 23 (D) Level 3 felony; or
- 24 (2) twenty-eight (28) years of age, if the delinquent act, if
- 25 committed by an adult, would have been:
 - 26 (A) a Level 2 felony;
 - 27 (B) a Level 1 felony; or
 - 28 (C) murder.

29 SECTION 3. IC 35-31.5-2-81.5 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE UPON PASSAGE]: **Sec. 81.5. "Dangerous", for**
 32 **purposes of IC 35-47-4-6.5, IC 35-47-4-6.7, and IC 35-47-14 has the**
 33 **meaning set forth in IC 35-47-14-1.**

34 SECTION 4. IC 35-47-1-7, AS AMENDED BY P.L.126-2012,
 35 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 7. "Proper person" means a person who:

- 37 (1) does not have a conviction for resisting law enforcement
- 38 under IC 35-44.1-3-1 within five (5) years before the person
- 39 applies for a license or permit under this chapter;
- 40 (2) does not have a conviction for a crime for which the person
- 41 could have been sentenced for more than one (1) year;
- 42 (3) does not have a conviction for a crime of domestic violence



- 1 (as defined in IC 35-31.5-2-78), unless a court has restored the
 2 person's right to possess a firearm under IC 35-47-4-7;
 3 (4) is not prohibited by a court order from possessing a handgun;
 4 (5) does not have a record of being an alcohol or drug abuser as
 5 defined in this chapter;
 6 (6) does not have documented evidence which would give rise to
 7 a reasonable belief that the person has a propensity for violent or
 8 emotionally unstable conduct;
 9 (7) does not make a false statement of material fact on the
 10 person's application;
 11 (8) does not have a conviction for any crime involving an inability
 12 to safely handle a handgun;
 13 (9) does not have a conviction for violation of the provisions of
 14 this article within five (5) years of the person's application;
 15 (10) does not have an adjudication as a delinquent child for an act
 16 that would be a felony if committed by an adult, if the person
 17 applying for a license or permit under this chapter is less than
 18 twenty-three (23) years of age;
 19 (11) has not been involuntarily committed, other than a temporary
 20 commitment for observation or evaluation, to a mental institution
 21 by a court, board, commission, or other lawful authority;
 22 (12) has not been the subject of a:
 23 (A) ninety (90) day commitment as a result of proceeding
 24 under IC 12-26-6; or
 25 (B) regular commitment under IC 12-26-7; ~~or~~
 26 (13) has not been found by a court to be mentally incompetent,
 27 including being found:
 28 (A) not guilty by reason of insanity;
 29 (B) guilty but mentally ill; or
 30 (C) incompetent to stand trial; **and**
 31 **(14) is not currently designated as dangerous (as defined in**
 32 **IC 35-47-14-1) by a court following a hearing under**
 33 **IC 35-47-14-6.**
 34 SECTION 5. IC 35-47-2-3, AS AMENDED BY P.L.86-2018,
 35 SECTION 335, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A person desiring a license
 37 to carry a handgun shall apply:
 38 (1) to the chief of police or corresponding law enforcement officer
 39 of the municipality in which the applicant resides;
 40 (2) if that municipality has no such officer, or if the applicant does
 41 not reside in a municipality, to the sheriff of the county in which
 42 the applicant resides after the applicant has obtained an



1 application form prescribed by the superintendent; or
 2 (3) if the applicant is a resident of another state and has a regular
 3 place of business or employment in Indiana, to the sheriff of the
 4 county in which the applicant has a regular place of business or
 5 employment.

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

10 (b) The law enforcement agency which accepts an application for a
 11 handgun license shall **not collect a fee from a person applying for a**
 12 **five (5) year handgun license and shall** collect the following
 13 application fees:

14 ~~(1) From a person applying for a four (4) year handgun license, a~~
 15 ~~ten dollar (\$10) application fee, five dollars (\$5) of which shall be~~
 16 ~~refunded if the license is not issued.~~

17 ~~(2) (1) From a person applying for a lifetime handgun license who~~
 18 ~~does not currently possess a valid Indiana handgun license, a fifty~~
 19 ~~dollar (\$50) application fee, thirty dollars (\$30) of which shall be~~
 20 ~~refunded if the license is not issued.~~

21 ~~(3) (2) From a person applying for a lifetime handgun license who~~
 22 ~~currently possesses a valid Indiana handgun license, a forty dollar~~
 23 ~~(\$40) application fee, thirty dollars (\$30) of which shall be~~
 24 ~~refunded if the license is not issued.~~

25 Except as provided in subsection (h), the fee shall be deposited into the
 26 law enforcement agency's firearms training fund or other appropriate
 27 training activities fund and used by the agency to train law enforcement
 28 officers in the proper use of firearms or in other law enforcement
 29 duties, or to purchase firearms, firearm related equipment, or body
 30 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
 31 employed by the law enforcement agency. The state board of accounts
 32 shall establish rules for the proper accounting and expenditure of funds
 33 collected under this subsection.

34 (c) The officer to whom the application is made shall ascertain the
 35 applicant's name, full address, length of residence in the community,
 36 whether the applicant's residence is located within the limits of any city
 37 or town, the applicant's occupation, place of business or employment,
 38 criminal record, if any, and convictions (minor traffic offenses
 39 excepted), age, race, sex, nationality, date of birth, citizenship, height,
 40 weight, build, color of hair, color of eyes, scars and marks, whether the
 41 applicant has previously held an Indiana license to carry a handgun
 42 and, if so, the serial number of the license and year issued, whether the



1 applicant's license has ever been suspended or revoked, and if so, the
 2 year and reason for the suspension or revocation, and the applicant's
 3 reason for desiring a license. **If the applicant is not a United States**
 4 **citizen, the officer to whom the application is made shall ascertain**
 5 **the applicant's country of citizenship, place of birth, and any alien**
 6 **or admission number issued by United States Immigration and**
 7 **Customs Enforcement or any successor agency as applicable.** The
 8 officer to whom the application is made shall conduct an investigation
 9 into the applicant's official records and verify thereby the applicant's
 10 character and reputation, and shall in addition verify for accuracy the
 11 information contained in the application, and shall forward this
 12 information together with the officer's recommendation for approval or
 13 disapproval and one (1) set of legible and classifiable fingerprints of
 14 the applicant to the superintendent. **An investigation conducted under**
 15 **this section must include the consulting of available local, state, and**
 16 **federal criminal history data banks, including the National Instant**
 17 **Criminal Background Check System (NICCS), to determine whether**
 18 **possession of a firearm by an applicant would be a violation of**
 19 **state or federal law.**

20 (d) The superintendent may make whatever further investigation the
 21 superintendent deems necessary. Whenever disapproval is
 22 recommended, the officer to whom the application is made shall
 23 provide the superintendent and the applicant with the officer's complete
 24 and specific reasons, in writing, for the recommendation of
 25 disapproval.

26 (e) If it appears to the superintendent that the applicant:

- 27 (1) has a proper reason for carrying a handgun;
- 28 (2) is of good character and reputation;
- 29 (3) is a proper person to be licensed; and
- 30 (4) is:

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

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

34 the superintendent shall issue to the applicant a qualified or an
 35 unlimited license to carry any handgun lawfully possessed by the
 36 applicant. The original license shall be delivered to the licensee. A
 37 copy shall be delivered to the officer to whom the application for
 38 license was made. A copy shall be retained by the superintendent for
 39 at least ~~four (4)~~ **five (5)** years in the case of a ~~four (4)~~ **five (5)** year
 40 license. The superintendent may adopt guidelines to establish a records
 41 retention policy for a lifetime license. A ~~four (4)~~ **five (5)** year license
 42 shall be valid for a period of ~~four (4)~~ **five (5)** years from the date of



1 issue. A lifetime license is valid for the life of the individual receiving
 2 the license. The license of police officers, sheriffs or their deputies, and
 3 law enforcement officers of the United States government who have
 4 twenty (20) or more years of service shall be valid for the life of these
 5 individuals. However, a lifetime license is automatically revoked if the
 6 license holder does not remain a proper person.

7 (f) At the time a license is issued and delivered to a licensee under
 8 subsection (e), the superintendent shall include with the license
 9 information concerning handgun safety rules that:

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

12 (2) is:

13 (A) recommended by a nonprofit educational organization that
 14 is dedicated to providing education on safe handling and use
 15 of firearms;

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

17 (C) approved by the superintendent.

18 The superintendent may not deny a license under this section because
 19 the information required under this subsection is unavailable at the
 20 time the superintendent would otherwise issue a license. The state
 21 police department may accept private donations or grants to defray the
 22 cost of printing and mailing the information required under this
 23 subsection.

24 (g) A license to carry a handgun shall not be issued to any person
 25 who:

26 (1) has been convicted of a felony;

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

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

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

33 (5) has been arrested for a Class A or Class B felony for an
 34 offense committed before July 1, 2014, for a Level 1, Level 2,
 35 Level 3, or Level 4 felony for an offense committed after June 30,
 36 2014, or any other felony that was committed while armed with
 37 a deadly weapon or that involved the use of violence, if a court
 38 has found probable cause to believe that the person committed the
 39 offense charged; **or**

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

42 In the case of an arrest under subdivision (5), a license to carry a



1 handgun may be issued to a person who has been acquitted of the
 2 specific offense charged or if the charges for the specific offense are
 3 dismissed. The superintendent shall prescribe all forms to be used in
 4 connection with the administration of this chapter.

5 (h) If the law enforcement agency that charges a fee under
 6 subsection (b) is a city or town law enforcement agency, the fee shall
 7 be deposited in the law enforcement continuing education fund
 8 established under IC 5-2-8-2.

9 (i) If a person who holds a valid license to carry a handgun issued
 10 under this chapter:

- 11 (1) changes the person's name;
- 12 (2) changes the person's address; or
- 13 (3) experiences a change, including an arrest or a conviction, that
 14 may affect the person's status as a proper person (as defined in
 15 IC 35-47-1-7) or otherwise disqualify the person from holding a
 16 license;

17 the person shall, not later than thirty (30) days after the date of a
 18 change described under subdivision (3), and not later than sixty (60)
 19 days after the date of the change described under subdivision (1) or (2),
 20 notify the superintendent, in writing, of the event described under
 21 subdivision (3) or, in the case of a change under subdivision (1) or (2),
 22 the person's new name or new address.

23 (j) The state police shall indicate on the form for a license to carry
 24 a handgun the notification requirements of subsection (i).

25 (k) The state police department shall adopt rules under IC 4-22-2 to:

- 26 (1) implement an electronic application system under subsection
 27 (a); and
- 28 (2) expedite the processing of an application made by a person
 29 described in section 2.1(b) of this chapter.

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

35 (l) Except as provided in subsection (m), for purposes of
 36 IC 5-14-3-4(a)(1), the following information is confidential, may not
 37 be published, and is not open to public inspection:

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

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

41 a license to carry a handgun.

42 (2) Information obtained by a federal, state, or local government



- 1 entity in the course of an investigation concerning a person who
 2 applies to:
 3 (A) obtain; or
 4 (B) renew;
 5 a license to carry a handgun issued under this chapter.
 6 (3) The name, address, and any other information that may be
 7 used to identify a person who holds a license to carry a handgun
 8 issued under this chapter.
 9 (m) Notwithstanding subsection (l):
 10 (1) any information concerning an applicant for or a person who
 11 holds a license to carry a handgun issued under this chapter may
 12 be released to a federal, state, or local government entity:
 13 (A) for law enforcement purposes; or
 14 (B) to determine the validity of a license to carry a handgun;
 15 and
 16 (2) general information concerning the issuance of licenses to
 17 carry handguns in Indiana may be released to a person conducting
 18 journalistic or academic research, but only if all personal
 19 information that could disclose the identity of any person who
 20 holds a license to carry a handgun issued under this chapter has
 21 been removed from the general information.
 22 (n) A person who knowingly or intentionally violates this section
 23 commits a Class B misdemeanor.
 24 SECTION 6. IC 35-47-2-4, AS AMENDED BY P.L.17-2017,
 25 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 4. (a) Licenses to carry handguns shall be either
 27 qualified or unlimited, and are valid for:
 28 (1) ~~four (4)~~ **five (5)** years from the date of issue in the case of a
 29 ~~four (4)~~ **five (5)** year license; or
 30 (2) the life of the individual receiving the license in the case of a
 31 lifetime license.
 32 A qualified license shall be issued for hunting and target practice. **An**
 33 **individual may separately apply for and simultaneously hold both**
 34 **a five (5) year license and a lifetime license.** The superintendent may
 35 adopt rules imposing limitations on the use and carrying of handguns
 36 under a license when handguns are carried by a licensee as a condition
 37 of employment. Unlimited licenses shall be issued for the purpose of
 38 the protection of life and property.
 39 (b) **This subsection applies before July 1, 2020.** In addition to the
 40 application fee, the fee for:
 41 (1) a qualified license shall be:
 42 (A) five dollars (\$5) for a ~~four (4)~~ **five (5)** year qualified



- 1 license;
- 2 (B) twenty-five dollars (\$25) for a lifetime qualified license
- 3 from a person who does not currently possess a valid Indiana
- 4 handgun license; or
- 5 (C) twenty dollars (\$20) for a lifetime qualified license from
- 6 a person who currently possesses a valid Indiana handgun
- 7 license; and
- 8 (2) an unlimited license shall be:
- 9 (A) thirty dollars (\$30) for a ~~four (4)~~ **five (5)** year unlimited
- 10 license;
- 11 (B) seventy-five dollars (\$75) for a lifetime unlimited license
- 12 from a person who does not currently possess a valid Indiana
- 13 handgun license; or
- 14 (C) sixty dollars (\$60) for a lifetime unlimited license from a
- 15 person who currently possesses a valid Indiana handgun
- 16 license.

17 The superintendent shall charge a twenty dollar (\$20) fee for the

18 issuance of a duplicate license to replace a lost or damaged license.

19 These fees shall be deposited in accordance with subsection ~~(f)~~ **(g)**.

20 **(c) This subsection applies after June 30, 2020. In addition to the**

21 **application fee, the fee for:**

22 **(1) a qualified license is:**

- 23 **(A) zero dollars (\$0) for a five (5) year qualified license;**
- 24 **(B) twenty-five dollars (\$25) for a lifetime qualified license**
- 25 **from a person who does not currently possess a valid**
- 26 **Indiana handgun license; and**
- 27 **(C) twenty dollars (\$20) for a lifetime qualified license**
- 28 **from a person who currently possesses a valid Indiana**
- 29 **handgun license; and**

30 **(2) an unlimited license is:**

- 31 **(A) zero dollars (\$0) for a five (5) year unlimited license;**
- 32 **(B) seventy-five dollars (\$75) for a lifetime unlimited**
- 33 **license from a person who does not currently possess a**
- 34 **valid Indiana handgun license; and**
- 35 **(C) sixty dollars (\$60) for a lifetime unlimited license from**
- 36 **a person who currently possesses a valid Indiana handgun**
- 37 **license.**

38 **The superintendent shall charge a twenty dollar (\$20) fee for the**

39 **issuance of a duplicate license to replace a lost or damaged license.**

40 **These fees shall be deposited in accordance with subsection (g).**

- 41 ~~(e)~~ **(d)** Licensed dealers are exempt from the payment of fees
- 42 specified in ~~subsection~~ **subsections (b) and (c)** for a qualified license



1 or an unlimited license.

2 ~~(d)~~ **(e)** The following officers of this state or the United States who
 3 have been honorably retired by a lawfully created pension board or its
 4 equivalent after at least twenty (20) years of service or because of a
 5 disability are exempt from the payment of fees specified in ~~subsection~~
 6 **subsections (b) and (c):**

- 7 (1) Police officers.
- 8 (2) Sheriffs or their deputies.
- 9 (3) Law enforcement officers.
- 10 (4) Correctional officers.

11 ~~(e)~~ **(f)** The following officers described in section 3(e) of this
 12 chapter who have at least twenty (20) years of service are exempt from
 13 the payment of fees for a lifetime qualified license or a lifetime
 14 unlimited license specified in ~~subsection~~ **subsections (b) and (c):**

- 15 (1) Police officers.
- 16 (2) Sheriffs or their deputies.
- 17 (3) Law enforcement officers of the United States government.

18 ~~(f)~~ **(g)** Fees collected under this section shall be deposited in the
 19 state general fund.

20 ~~(g)~~ **(h)** The superintendent may not issue a lifetime qualified license
 21 or a lifetime unlimited license to a person who is a resident of another
 22 state. The superintendent may issue a ~~four (4)~~ **five (5)** year qualified
 23 license or a ~~four (4)~~ **five (5)** year unlimited license to a person who is
 24 a resident of another state and who has a regular place of business or
 25 employment in Indiana as described in section 3(a)(3) of this chapter.

26 ~~(h)~~ **(i)** A person who knowingly or intentionally violates this section
 27 commits a Class B misdemeanor.

28 **(j) If the Bureau of Alcohol, Tobacco, Firearms and Explosives**
 29 **certifies the five (5) year license described under this section as a**
 30 **valid National Instant Criminal Background Check System (NICS)**
 31 **compliant background check for firearm purchases:**

- 32 **(1) a five (5) year license issued under this section must**
- 33 **conspicuously display the term "Brady Exempt"; and**
- 34 **(2) a person bearing a valid license described in subdivision**
- 35 **(1) is exempt from undergoing a:**
 - 36 **(A) state; or**
 - 37 **(B) federal;**

38 **background check when purchasing a firearm.**

39 SECTION 7. IC 35-47-4-6.5 IS ADDED TO THE INDIANA CODE
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: **Sec. 6.5. A person who:**

- 42 **(1) has been found to be dangerous by a circuit or superior**



1 court having jurisdiction over the person following a hearing
2 under IC 35-47-14-6; and

3 **(2) knowingly or intentionally:**

4 **(A) rents;**

5 **(B) purchases;**

6 **(C) receives transfer of;**

7 **(D) owns; or**

8 **(E) possesses;**

9 **a firearm, commits unlawful possession of a firearm by a**
10 **dangerous person, a Class A misdemeanor.**

11 SECTION 8. IC 35-47-4-6.7 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: **Sec. 6.7. A person who knowingly or**
14 **intentionally rents, transfers, sells, or offers for sale a firearm to**
15 **another person who the person knows to be found dangerous by a**
16 **circuit or superior court following a hearing under IC 35-47-14-6**
17 **commits unlawful transfer of a firearm to a dangerous person, a**
18 **Level 5 felony.**

19 SECTION 9. IC 35-47-9-1, AS AMENDED BY P.L.157-2014,
20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: **Sec. 1. (a) This chapter does not apply to the**
22 **following:**

23 **(1) A:**

24 **(A) federal;**

25 **(B) state; or**

26 **(C) local;**

27 **law enforcement officer.**

28 **(2) A:**

29 **(A) qualified law enforcement officer (as defined in 18**
30 **U.S.C. 926B); or**

31 **(B) qualified retired law enforcement officer (as defined in**
32 **18 U.S.C. 926C);**

33 **if the law enforcement officer carries the photographic**
34 **identification required by 18 U.S.C. 926B or 18 U.S.C. 926C.**

35 ~~(2)~~ **(3) A person who may legally possess a firearm and who has**
36 **been authorized by:**

37 **(A) a school board (as defined by IC 20-26-9-4); or**

38 **(B) the body that administers a charter school established**
39 **under IC 20-24;**

40 **to carry a firearm in or on school property.**

41 ~~(3)~~ **(4) Except as provided in subsection (b) or (c), a person who:**

42 **(A) may legally possess a firearm; and**



1 (B) possesses the firearm in a motor vehicle.
 2 ~~(4)~~ **(5)** A person who is a school resource officer, as defined in
 3 IC 20-26-18.2-1.
 4 ~~(5)~~ **(6)** Except as provided in subsection (b) or (c), a person who:
 5 (A) may legally possess a firearm; and
 6 (B) possesses only a firearm that is:
 7 (i) locked in the trunk of the person's motor vehicle;
 8 (ii) kept in the glove compartment of the person's locked
 9 motor vehicle; or
 10 (iii) stored out of plain sight in the person's locked motor
 11 vehicle.
 12 **(7) A person who:**
 13 **(A) may legally possess a firearm; and**
 14 **(B) possesses a firearm on school property in connection**
 15 **with or while:**
 16 **(i) attending a worship service or religious ceremony**
 17 **conducted at a house of worship located on the school**
 18 **property; or**
 19 **(ii) carrying out the person's official duties at a house of**
 20 **worship located on the school property, if the person is**
 21 **employed by or a volunteer at the house of worship.**
 22 **This subdivision does not affect the right of a property owner**
 23 **to prohibit, in whole or in part, the possession of a firearm on**
 24 **a property where a school or house of worship is located.**
 25 (b) For purposes of subsection ~~(a)(3)~~ **(a)(4)** and ~~(a)(5)~~; **(a)(6)**, a
 26 person does not include a person who is:
 27 (1) enrolled as a student in any high school except if the person is
 28 a high school student and is a member of a shooting sports team
 29 and the school's principal has approved the person keeping a
 30 firearm concealed in the person's motor vehicle on the days the
 31 person is competing or practicing as a member of a shooting
 32 sports team; or
 33 (2) a former student of the school if the person is no longer
 34 enrolled in the school due to a disciplinary action within the
 35 previous twenty-four (24) months.
 36 (c) For purposes of subsection ~~(a)(3)~~ **(a)(4)** and ~~(a)(5)~~; **(a)(6)**, a
 37 motor vehicle does not include a motor vehicle owned, leased, or
 38 controlled by a school or school district unless the person who
 39 possesses the firearm is authorized by the school or school district to
 40 possess a firearm.
 41 SECTION 10. IC 35-47-14-1, AS ADDED BY P.L.1-2006,
 42 SECTION 537, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) For the purposes of this
2 chapter, an individual is "dangerous" if:

3 (1) the individual presents an imminent risk of personal injury to
4 the individual or to another individual; or

5 (2) **It is probable that** the individual ~~may~~ **will** present a risk of
6 personal injury to the individual or to another individual in the
7 future and the individual:

8 (A) has a mental illness (as defined in IC 12-7-2-130) that may
9 be controlled by medication, and has not demonstrated a
10 pattern of voluntarily and consistently taking the individual's
11 medication while not under supervision; or

12 (B) is the subject of documented evidence that would give rise
13 to a reasonable belief that the individual has a propensity for
14 violent or ~~emotionally unstable~~ **suicidal** conduct.

15 (b) The fact that an individual has been released from a mental
16 health facility or has a mental illness that is currently controlled by
17 medication does not establish that the individual is dangerous for the
18 purposes of this chapter.

19 SECTION 11. IC 35-47-14-1.5 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. For the purposes of this**
22 **chapter, an individual is a "responsible third party" if:**

23 (1) **the individual does not cohabit with the person found**
24 **to be dangerous in the hearing conducted under section 5 of**
25 **this chapter;**

26 (2) **the individual is a proper person (as defined under**
27 **IC 35-47-1-7) who may lawfully possess a firearm; and**

28 (3) **the individual is willing to enter into a written court**
29 **agreement to accept the transfer of the firearm as a**
30 **responsible third party under section 10 of this chapter.**

31 SECTION 12. IC 35-47-14-2, AS ADDED BY P.L.1-2006,
32 SECTION 537, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A circuit or superior
34 court may issue a warrant to search for and seize a firearm in the
35 possession of an individual who is dangerous if:

36 (1) a law enforcement officer provides the court a sworn affidavit
37 that:

38 (A) states why the law enforcement officer believes that the
39 individual is dangerous and in possession of a firearm; and

40 (B) describes the law enforcement officer's interactions and
41 conversations with:

42 (i) the individual who is alleged to be dangerous; or



- 1 (ii) another individual, if the law enforcement officer
 2 believes that information obtained from this individual is
 3 credible and reliable;
 4 that have led the law enforcement officer to believe that the
 5 individual is dangerous and in possession of a firearm;
 6 (2) the affidavit specifically describes the location of the firearm;
 7 and
 8 (3) the circuit or superior court determines that probable cause
 9 exists to believe that the individual is:
 10 (A) dangerous; and
 11 (B) in possession of a firearm.
 12 **(b) A law enforcement agency responsible for the seizure of the**
 13 **firearm under this section shall file a search warrant return with**
 14 **the court setting forth the:**
 15 **(1) quantity; and**
 16 **(2) type;**
 17 **of each firearm seized from an individual under this section.**
 18 SECTION 13. IC 35-47-14-3, AS ADDED BY P.L.1-2006,
 19 SECTION 537, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) If a law enforcement
 21 officer seizes a firearm from an individual whom the law enforcement
 22 officer believes to be dangerous without obtaining a warrant, the law
 23 enforcement officer shall submit to the circuit or superior court having
 24 jurisdiction over the individual believed to be dangerous a ~~written~~
 25 ~~statement an affidavit under oath or affirmation~~ describing the basis
 26 for the law enforcement officer's belief that the individual is dangerous.
 27 **(b) An affidavit described in subsection (a) shall be submitted to**
 28 **a circuit or superior court having jurisdiction over the individual**
 29 **believed to be dangerous not later than forty eight (48) hours after**
 30 **the seizure of the firearm.**
 31 ~~(b) (c)~~ **(c)** The court shall review the ~~written statement submitted under~~
 32 ~~subsection affidavit described in subsection (a) as soon as possible.~~
 33 **(d)** If the court finds that probable cause exists to believe that the
 34 individual is dangerous, the court shall order the law enforcement
 35 agency having custody of the firearm to retain the firearm.
 36 **(e) A law enforcement agency responsible for the seizure of the**
 37 **firearm under this section shall file a search warrant return with**
 38 **the court setting forth the:**
 39 **(1) quantity; and**
 40 **(2) type;**
 41 **of each firearm seized from an individual under this section.**
 42 **(f)** If the court finds that there is no probable cause to believe that



1 the individual is dangerous, the court shall order the law enforcement
 2 agency having custody of the firearm to return the firearm to the
 3 individual **as quickly as practicable, but not later than five (5) days.**

4 ~~(c) This section does not authorize a law enforcement officer to~~
 5 ~~perform a warrantless search or seizure if a warrant would otherwise be~~
 6 ~~required.~~

7 SECTION 14. IC 35-47-14-5, AS ADDED BY P.L.1-2006,
 8 SECTION 537, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~Not later than fourteen~~
 10 ~~(14) days after a~~ **After the filing of a search warrant** return is filed
 11 under section 4 of this chapter or ~~a~~ **the filing of an affidavit written**
 12 ~~statement is submitted~~ under section 3 of this chapter, the court shall
 13 conduct a hearing. ~~to determine whether the seized firearm should be:~~

14 (1) returned to the individual from whom the firearm was seized;

15 or

16 (2) retained by the law enforcement agency having custody of the
 17 firearm.

18 (b) The court shall ~~set~~ **make a good faith effort to conduct** the
 19 hearing date as soon as possible ~~not later than fourteen (14) days~~
 20 after the ~~filing of a search warrant~~ return is filed under section 4 of
 21 this chapter ~~or the filing of an affidavit under section 3 of this~~
 22 ~~chapter. If the hearing cannot be conducted within fourteen (14)~~
 23 ~~days after the filing of the search warrant return or affidavit, the~~
 24 ~~court shall conduct the hearing as soon as possible. However, a~~
 25 ~~request for a continuance of the hearing described in this~~
 26 ~~subsection for a period of not more than sixty (60) days from the~~
 27 ~~individual from whom the firearm was seized shall be liberally~~
 28 ~~granted.~~ The court shall inform:

29 (1) the prosecuting attorney; and

30 (2) the individual from whom the firearm was seized;

31 of the date, time, and location of the hearing. The court may conduct
 32 the hearing at a facility or other suitable place not likely to have a
 33 harmful effect upon the individual's health or well-being.

34 SECTION 15. IC 35-47-14-6, AS ADDED BY P.L.1-2006,
 35 SECTION 537, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) ~~In a hearing conducted~~
 37 ~~under section 5 of this chapter, the state has the burden of proving all~~
 38 ~~material facts by clear and convincing evidence. The court shall~~
 39 ~~conduct a hearing as required under this chapter.~~

40 (b) If the court, in a hearing under section 5 of this chapter,
 41 determines that the state has proved ~~The state has the burden of~~
 42 ~~proving all material facts~~ by clear and convincing evidence. ~~that the~~



1 individual is dangerous; the court may order that the law enforcement
 2 agency having custody of the seized firearm retain the firearm. In
 3 addition, if the individual has received a license to carry a handgun, the
 4 court shall suspend the individual's license to carry a handgun. If the
 5 court determines that the state has failed to prove that the individual is
 6 dangerous, the court shall order the law enforcement agency having
 7 custody of the firearm to return the firearm to the individual from
 8 whom it was seized.

9 **(c) If the court determines that the state has proved by clear and**
 10 **convincing evidence that the individual is dangerous, the court**
 11 **shall:**

12 **(1) issue a written order:**

13 **(A) finding the individual is dangerous (as defined in**
 14 **section 1 of this chapter);**

15 **(B) ordering the law enforcement agency having custody**
 16 **of the seized firearm to retain the firearm;**

17 **(C) ordering the individual's license to carry a handgun, if**
 18 **applicable, suspended; and**

19 **(D) enjoining the individual from:**

20 **(i) renting;**

21 **(ii) receiving transfer of;**

22 **(iii) owning; or**

23 **(iv) possessing;**

24 **a firearm; and**

25 **(2) determine whether the individual should be referred to**
 26 **further proceedings to consider whether the individual should**
 27 **be involuntarily detained or committed under IC 12-26-6.**

28 **(d) Following the hearing, the clerk shall transmit any required**
 29 **information to the office of judicial administration for transmission**
 30 **to NICS (as defined in IC 35-47-2.5-2.5) in accordance with**
 31 **IC 33-24-6-3.**

32 **(e) If the court in a hearing under section 5 of this chapter, orders**
 33 **a law enforcement agency to retain a firearm, the law enforcement**
 34 **agency shall retain the firearm until the court orders the firearm**
 35 **returned or otherwise disposed of.**

36 **(f) If the court determines that the state has failed to prove by**
 37 **clear and convincing evidence that the individual is dangerous, the**
 38 **court shall issue a written order that:**

39 **(1) the individual is not dangerous (as defined in section 1 of**
 40 **this chapter); and**

41 **(2) the law enforcement agency having custody of the firearm**
 42 **shall return the firearm as quickly as practicable, but not**



1 **later than five (5) days after the date of the order, to the**
 2 **individual from whom it was seized.**

3 SECTION 16. IC 35-47-14-8, AS ADDED BY P.L.1-2006,
 4 SECTION 537, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) At least one hundred
 6 eighty (180) days after the date on which a court orders a law
 7 enforcement agency to retain an individual's firearm under section ~~6(b)~~
 8 **6(c)** of this chapter, the individual may petition the court for ~~return of~~
 9 ~~the firearm.~~ **a finding that the individual is no longer dangerous.**

10 (b) Upon receipt of a petition described in subsection (a), the court
 11 shall:

12 (1) enter an order setting a date for a hearing on the petition; and
 13 (2) inform the prosecuting attorney of the date, time, and location
 14 of the hearing.

15 (c) The prosecuting attorney shall represent the state at the hearing
 16 on a petition under this section.

17 (d) In a hearing on a petition under this section, the individual
 18 ~~(1)~~ may be represented by an attorney. ~~and~~
 19 ~~(2)~~ must prove by a preponderance of the evidence that the
 20 individual is not dangerous.

21 **(e) In a hearing on a petition under this section filed:**

22 **(1) not later than one (1) year after the date of the order**
 23 **issued under section 6(c) of this chapter, the individual must**
 24 **prove by a preponderance of the evidence that the individual**
 25 **is no longer dangerous; and**

26 **(2) later than one (1) year after the date of the order issued**
 27 **under section 6(c) of this chapter, the state must prove by**
 28 **clear and convincing evidence that the individual is still**
 29 **dangerous.**

30 ~~(e)~~ **(f)** If, upon the completion of the hearing and consideration of
 31 the record, the court finds that the individual is ~~not~~ **no longer**
 32 dangerous, the court shall:

33 **(1) issue a court order that finds that the individual is no**
 34 **longer dangerous;**

35 **(2) order the law enforcement agency having custody of the any**
 36 **firearm to return the firearm as quickly as practicable, but not**
 37 **later than five (5) days, to the individual;**

38 **(3) terminate any injunction issued under section 6 of this**
 39 **chapter; and**

40 **(4) terminate the suspension of the individual's license to**
 41 **carry a handgun so that the individual may reapply for a**
 42 **license.**



1 ~~(f)~~ **(g)** If the court denies an individual's petition under this section,
 2 the individual may not file a subsequent petition until at least one
 3 hundred eighty (180) days after the date on which the court denied the
 4 petition.

5 **(h) A court order described under subsection (f) shall be**
 6 **transmitted, as soon as practicable, to the office of judicial**
 7 **administration for transmission to the NICS (as defined in**
 8 **IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.**

9 SECTION 17. IC 35-47-14-10, AS ADDED BY P.L.157-2014,
 10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 10. (a) If a court has ordered a law
 12 enforcement agency to retain an individual's firearm under section 6 of
 13 this chapter, the individual **or the rightful owner of the firearm, as**
 14 **applicable**, may ~~request~~ **petition** the court to order the law
 15 enforcement agency to:

16 **(1) transfer the firearm to a responsible third party as**
 17 **described under section 1.5 of this chapter;**

18 **(2) transfer the firearm to an individual who possesses a valid**
 19 **federal firearms license issued under 18 U.S.C. 923 for storage**
 20 **or an eventual lawful sale whose terms are mutually agreed**
 21 **upon between the licensee and the individual or rightful**
 22 **owner, as applicable; or**

23 **(3) sell the firearm at auction under IC 35-47-3-2 and return the**
 24 **proceeds to the individual or the rightful owner of the firearm,**
 25 **as applicable.**

26 **The responsible third party who accepts transfer of the firearm**
 27 **from the law enforcement agency under a court order under this**
 28 **section shall enter into a written court agreement that obligates the**
 29 **responsible third party to the reasonable care and storage of the**
 30 **firearm, including not providing access or transferring the firearm**
 31 **to the individual found to be dangerous in a hearing under section**
 32 **5 of this chapter.**

33 (b) An individual **or rightful owner of the firearm** may ~~make~~
 34 **petition** the ~~request~~ **court** as described in subsection (a):

35 (1) at the ~~retention~~ hearing described in section **6 or 9** of this
 36 chapter; or

37 (2) at any time before the ~~retention~~ hearing described in section
 38 **6 or 9** of this chapter is held.

39 (c) If an individual **or rightful owner** timely requests a sale **or**
 40 **transfer** of a firearm under subsection (a), the court shall order the law
 41 enforcement agency having custody of the firearm to **transfer the**
 42 **firearm or** sell the firearm at auction under IC 35-47-3-2, unless:



1 (1) the serial number of the firearm has been obliterated;
2 (2) **the transfer of the firearm would be unlawful; or**
3 (3) **the requirements of subsection (a) have not been met.**
4 (d) If the court issues an order under subsection (c), the court's order
5 must require:
6 (1) that the firearm be sold not more than one (1) year after
7 receipt of the order; and
8 (2) that the proceeds of the sale be returned to the individual ~~who~~
9 **owns or rightful owner of the firearm.**
10 (e) ~~However, the~~ A law enforcement agency may retain not more
11 than eight percent (8%) of the sale price to pay the costs of the sale,
12 including administrative costs and the auctioneer's fee.
13 SECTION 18. IC 35-47-14-11 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: **Sec. 11. The sale or transfer of a**
16 **firearm retained under this chapter does not:**
17 (1) **alter or terminate an individual's designation as a**
18 **dangerous person by a court; or**
19 (2) **constitute prima facie evidence that an individual is no**
20 **longer dangerous.**
21 SECTION 19. IC 35-47-14-12 IS ADDED TO THE INDIANA
22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
23 [EFFECTIVE UPON PASSAGE]: **Sec. 12. (a) A law enforcement**
24 **agency storing a firearm seized under this chapter shall use**
25 **reasonable care to ensure that the firearm is not lost or damaged,**
26 **and the law enforcement agency is prohibited from marking the**
27 **firearm for identification or other purposes.**
28 **(b) A law enforcement agency shall be liable for any damage to**
29 **or loss of the firearm that results from the law enforcement**
30 **agency's negligence in the storage or handling of the firearm.**
31 SECTION 20. IC 35-47-14-13 IS ADDED TO THE INDIANA
32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
33 [EFFECTIVE UPON PASSAGE]: **Sec. 13. Nothing in this chapter**
34 **may be construed to authorize a warrantless search or seizure by**
35 **a law enforcement officer if a warrant would otherwise be**
36 **required.**
37 SECTION 21. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1651, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 18.5. (a) The following terms are defined for this section:**

- (1) **"Dangerous"** has the meaning set forth in IC 35-47-14-1.
- (2) **"Firearm"** has the meaning set forth in IC 35-47-1-5.
- (3) **"NFA regulated firearm"** means any firearm described under 26 U.S.C. 5845(a) through 26 U.S.C. 5845(f).
- (4) **"Office"** means the office of judicial administration established under IC 33-24-6-1.

(b) The office shall track and record the following information:

- (1) **The name of the law enforcement agency responsible for each confiscation of a firearm under IC 35-47-14-2 and IC 35-47-14-3.**

(2) The number of:

(A) warrant based firearm confiscations under IC 35-47-14-2; and

(B) warrantless firearm confiscations under IC 35-47-14-3; for each county, as applicable, each year.

(3) The total number of:

(A) handguns;

(B) long guns; and

(C) NFA regulated firearms;

confiscated under IC 35-47-14 for each county, as applicable, each year.

(4) The:

(A) county;

(B) court of origin; and

(C) judge;

responsible for each written court order that finds an individual to be dangerous under IC 35-47-14-5.

(5) The:

(A) county;

(B) court of origin; and

(C) judge;

for each appeal of or reversal of a written court order that



finds an individual to be dangerous under IC 35-47-14-5.

(6) The:

- (A) county;**
- (B) court of origin; and**
- (C) judge;**

responsible for enacting or enforcing an agreed entry.

(c) The office shall, not later than January 1 of each year, submit a report to the general assembly in an electronic format under IC 5-14-6 that consolidates and presents the information described in subsection (b).

(d) Notwithstanding subsections (b) and (c), the office shall not collect, store, disclose, distribute, transfer, or provide the following information to any assembly, person, entity, agency, or department:

(1) The:

- (A) name;**
- (B) date of birth;**
- (C) Social Security number;**
- (D) address; or**
- (E) other unique identifier;**

belonging to or associated with an individual alleged to be dangerous by a law enforcement officer or found to be dangerous by a circuit or superior court.

(2) The make, model, or serial number of any handgun, long gun, firearm, or NFA regulated firearm seized, confiscated, retained, disposed of, or sold under IC 35-47-14.

(e) Information:

- (1) collected by the office; or**
- (2) used by the office;**

to prepare the report described in subsection (c) is confidential and not subject to public inspection or copying under IC 5-14-3-3.

(f) The office shall make the report described in subsection (c) available to the public."

Delete page 2.

Page 3, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 2. IC 12-26-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A commitment under this chapter may be begun by any of the following methods:

- (1) Upon request of the superintendent under IC 12-26-3-5.**
- (2) An order of the court:**
 - (A) having jurisdiction over the individual following emergency detention; or**



(B) after having a hearing under IC 35-47-14-5.

(3) Filing a petition with a court having jurisdiction in the county:

(A) of residence of the individual; or

(B) where the individual may be found.

(b) A petitioner under subsection (a)(3) must be at least eighteen (18) years of age.

(c) A petition under subsection (a)(3) must include a physician's written statement stating both of the following:

(1) The physician has examined the individual within the past thirty (30) days.

(2) The physician believes the individual is:

(A) mentally ill and either dangerous or gravely disabled; and

(B) in need of custody, care, or treatment in an appropriate facility."

Page 6, delete lines 31 through 33.

Page 6, line 37, delete "finds, or has previously found under section 2 of" and insert "finds".

Page 6, line 38, delete "this chapter,".

Page 7, line 36, delete "alleged to be dangerous" and insert "**from whom the firearm was seized**".

Page 7, after line 42, begin a new paragraph and insert:

"(c) A court shall determine at a hearing under this section whether a separate, concurrent hearing under IC 12-26-6 should be held to consider whether the individual may be involuntarily detained or committed under IC 12-26-6."

Page 8, line 1, delete "(c)" and insert "**(d)**".

Page 8, delete lines 10 through 16.

Page 8, line 17, delete "(f)" and insert "**(e)**".

Page 8, line 19, delete "(c)" and insert "**(d)**".

Page 8, line 20, after "transmit" insert "**, after the hearing,**".

Page 9, strike lines 1 through 4.

Page 9, line 13, after "transmit" insert "**, after the hearing,**".

Page 9, line 23, delete "and".

Page 9, between lines 23 and 24, begin a new line block indented and insert:

"(2) order the law enforcement agency having custody of the firearm to return the firearm as quickly as practicable to the individual from whom it was seized; and"

Page 9, line 24, delete "(2)" and insert "**(3)**".

Page 10, line 11, strike "not" and insert "**no longer**".

Page 10, line 15, after "is" delete ":".

Page 10, delete line 16.



Page 10, line 17, delete "(B)".

Page 10, run in lines 15 through 17.

Page 10, delete line 18.

Page 10, line 21, after "firearm" insert "**as quickly as practicable**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1651 as introduced.)

MCNAMARA

Committee Vote: yeas 12, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1651 be amended to read as follows:

Page 4, line 37, delete "court;" and insert "**court following a hearing under IC 35-47-14-5;**".

Page 5, line 4, delete "person;" and insert "**person following a hearing under IC 35-47-14-5;**".

Page 5, line 12, delete "Level 6 felony" and insert "**Class A misdemeanor**".

Page 5, line 17, delete "knowing" and insert "**knowingly**".

Page 5, line 20, delete "court;" and insert "**court following a hearing under IC 35-47-14-5;**".

Page 6, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 8. IC 35-47-14-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. For the purposes of this chapter, an individual is a "responsible third party" if:**

- (1) the individual does not cohabit with the person found to be dangerous in the hearing conducted under section 5 of this chapter;**
- (2) the individual is a proper person (as defined under IC 35-47-1-7) who may lawfully possess a firearm; and**
- (3) the individual is willing to enter into a written court agreement to accept the transfer of the firearm as a responsible third party under section 10 of this chapter."**

Page 6, between lines 32 and 33, begin a new paragraph and insert:

EH 1651—LS 7550/DI 123



"(c) A law enforcement agency storing a firearm seized under this section shall use reasonable care to ensure that the firearm is not lost or damaged, and the agency is prohibited from marking the firearm for identification or other purposes. A law enforcement agency shall be liable for any damage to or loss of the firearm that results from the agency's negligence in the storage or handling of the firearm."

Page 7, line 22, delete "individual." and insert "individual as quickly as practicable, but not later than five (5) days."

Page 7, between lines 22 and 23, begin a new paragraph and insert:

"(g) A law enforcement agency storing a firearm seized under this section shall use reasonable care to ensure that the firearm is not lost or damaged, and the agency is prohibited from marking the firearm for identification or other purposes. A LAW enforcement agency shall be liable for any damage to or loss of the firearm that results from the agency's negligence in the storage or handling of the firearm."

Page 9, line 35, delete "practicable" and insert "practicable, but not later than five (5) days,".

Page 10, line 32, delete "practicable" and insert "practicable, but not later than five (5) days,".

Page 11, line 21, strike "to" and insert "to:

- (1) transfer the firearm to a responsible third party as described under section 1.5 of this chapter;**
- (2) transfer the firearm to an individual who possesses a valid federal firearms license issued under 18 U.S.C. 923 for storage or an eventual lawful sale whose terms are mutually agreed upon between the licensee and the individual or rightful owner, as applicable; or**
- (3)".**

Page 11, between lines 23 and 24, begin a new line blocked left and insert:

"The responsible third party who accepts transfer of the firearm from the law enforcement agency under a court order under this section shall enter into a written court agreement that obligates the responsible third party to the reasonable care and storage of the firearm, including not providing access or transferring the firearm to the individual found to be dangerous in a hearing under section 5 of this chapter."

Page 12, between lines 6 and 7, begin a new paragraph and insert:

"(g) A law enforcement agency storing a firearm seized under this section shall use reasonable care to ensure that the firearm is



not lost or damaged, and the agency is prohibited from marking the firearm for identification or other purposes. A law enforcement agency shall be liable for any damage to or loss of the firearm that results from the agency's negligence in the storage or handling of the firearm."

Renumber all SECTIONS consecutively.

(Reference is to HB 1651 as printed February 8, 2019.)

SCHAIBLEY

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1651, 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 15.

Delete page 2.

Page 3, delete lines 1 through 12.

Page 3, line 20, delete "after having" and insert "**referring an individual following**".

Page 3, line 20, delete "IC 35-47-14-5" and insert "**IC 35-47-14-6**".

Page 3, between lines 33 and 34, begin a new paragraph and insert:
 "SECTION 2. IC 31-39-8-3, AS AMENDED BY P.L.86-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) **Except as provided in subsection (f)**, a person may initiate a petition for the expungement of records of a child alleged to be a delinquent child or a child in need of services by filing a verified petition in the juvenile court in the county of the original action. The petition must set forth the following:

- (1) The allegations and date of adjudication, if applicable, of the juvenile delinquency or child in need of services adjudications.
- (2) The court in which juvenile delinquency or child in need of services allegations or petitions were filed.
- (3) The law enforcement agency that employs the charging officer, if known.
- (4) The case number or court cause number.
- (5) Date of birth of the petitioner.
- (6) Petitioner's Social Security number.

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(7) All juvenile delinquency or child in need of services adjudications and criminal convictions occurring after the adjudication of the action sought to be expunged.

(8) All pending actions under IC 31-34 or IC 31-37 or criminal charges.

(b) A petition described in subsection (a) shall be served on:

(1) the prosecuting attorney; or

(2) in the case of a child in need of services case, the department of child services.

(c) The prosecuting attorney or department of child services has thirty (30) days in which to reply or otherwise object to the petition. The court may reduce the time in which a response must be filed for a show of good cause or within its discretion after a hearing is held.

(d) If the prosecuting attorney or department of child services timely files an objection to the petition, the matter shall be set for a hearing. If no objection is filed, the court may set the petition for a hearing or rule on the petition without a hearing.

(e) In considering whether to grant the petition, the juvenile court may review:

(1) the best interests of the child;

(2) the age of the person during the person's contact with the juvenile court or law enforcement agency;

(3) the nature of any allegations;

(4) whether there was an informal adjustment or an adjudication;

(5) the disposition of the case;

(6) the manner in which the person participated in any court ordered or supervised services;

(7) the time during which the person has been without contact with the juvenile court or with any law enforcement agency;

(8) whether the person acquired a criminal record; and

(9) the person's current status.

(f) A person may not seek expungement of the records of a person adjudicated a delinquent child for committing an act while armed with a firearm that would be a serious violent felony (as defined in IC 35-47-4-5) if committed by an adult, unless the person who was adjudicated is at least:

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

(A) Level 6 felony;

(B) Level 5 felony;

(C) Level 4 felony; or

(D) Level 3 felony; or



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

- (A) a Level 2 felony;**
- (B) a Level 1 felony; or**
- (C) murder."**

Page 4, line 35, after "trial;" insert "**and**".

Page 4, line 38, delete "IC 35-47-14-5; and" and insert "**IC 35-47-14-6.**".

Page 4, delete lines 39 through 40, begin a new paragraph and insert:

"SECTION 5. IC 35-47-2-3, AS AMENDED BY P.L.86-2018, SECTION 335, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A person desiring a license to carry a handgun shall apply:

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

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

(b) The law enforcement agency which accepts an application for a handgun license shall **not collect a fee from a person applying for a five (5) year handgun license and shall** collect the following application fees:

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



refunded if the license is not issued.

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

(c) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. **If the applicant is not a United States citizen, the officer to whom the application is made shall ascertain the applicant's country of citizenship, place of birth, and any alien or admission number issued by United States Immigration and Customs Enforcement or any successor agency as applicable.** The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent. **An investigation conducted under this section must include the consulting of available local, state, and federal criminal history data banks, including the National Instant Criminal Background Check System (NICS), to determine whether possession of a firearm by an applicant would be a violation of state or federal law.**

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete



and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

- (1) has a proper reason for carrying a handgun;
- (2) is of good character and reputation;
- (3) is a proper person to be licensed; and
- (4) is:
 - (A) a citizen of the United States; or
 - (B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least ~~four (4)~~ **five (5)** years in the case of a ~~four (4)~~ **five (5)** year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license. A ~~four (4)~~ **five (5)** year license shall be valid for a period of ~~four (4)~~ **five (5)** years from the date of issue. A lifetime license is valid for the life of the individual receiving the license. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have twenty (20) or more years of service shall be valid for the life of these individuals. However, a lifetime license is automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

- (1) neither opposes nor supports an individual's right to bear arms; and
- (2) is:
 - (A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;
 - (B) prepared by the state police department; and
 - (C) approved by the superintendent.

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



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

- (1) has been convicted of a felony;
 - (2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;
 - (3) is under eighteen (18) years of age;
 - (4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; ~~or~~
 - (5) has been arrested for a Class A or Class B felony for an offense committed before July 1, 2014, for a Level 1, Level 2, Level 3, or Level 4 felony for an offense committed after June 30, 2014, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged; ~~or~~
- (6) is prohibited by federal law from possessing or receiving firearms under 18 U.S.C. 922(g).**

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

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

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

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

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

(j) The state police shall indicate on the form for a license to carry



a handgun the notification requirements of subsection (i).

- (k) The state police department shall adopt rules under IC 4-22-2 to:
- (1) implement an electronic application system under subsection (a); and
 - (2) expedite the processing of an application made by a person described in section 2.1(b) of this chapter.

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

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

- (1) Information submitted by a person under this section to:
 - (A) obtain; or
 - (B) renew;

a license to carry a handgun.

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

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

a license to carry a handgun issued under this chapter.

- (3) The name, address, and any other information that may be used to identify a person who holds a license to carry a handgun issued under this chapter.

(m) Notwithstanding subsection (l):

- (1) any information concerning an applicant for or a person who holds a license to carry a handgun issued under this chapter may be released to a federal, state, or local government entity:

- (A) for law enforcement purposes; or
 - (B) to determine the validity of a license to carry a handgun;
- and

- (2) general information concerning the issuance of licenses to carry handguns in Indiana may be released to a person conducting journalistic or academic research, but only if all personal information that could disclose the identity of any person who holds a license to carry a handgun issued under this chapter has been removed from the general information.

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



SECTION 6. IC 35-47-2-4, AS AMENDED BY P.L.17-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Licenses to carry handguns shall be either qualified or unlimited, and are valid for:

- (1) ~~four (4)~~ **five (5)** years from the date of issue in the case of a ~~four (4)~~ **five (5)** year license; or
- (2) the life of the individual receiving the license in the case of a lifetime license.

A qualified license shall be issued for hunting and target practice. **An individual may separately apply for and simultaneously hold both a five (5) year license and a lifetime license.** The superintendent may adopt rules imposing limitations on the use and carrying of handguns under a license when handguns are carried by a licensee as a condition of employment. Unlimited licenses shall be issued for the purpose of the protection of life and property.

(b) **This subsection applies before July 1, 2020.** In addition to the application fee, the fee for:

- (1) a qualified license shall be:
 - (A) five dollars (\$5) for a ~~four (4)~~ **five (5)** year qualified license;
 - (B) twenty-five dollars (\$25) for a lifetime qualified license from a person who does not currently possess a valid Indiana handgun license; or
 - (C) twenty dollars (\$20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and
- (2) an unlimited license shall be:
 - (A) thirty dollars (\$30) for a ~~four (4)~~ **five (5)** year unlimited license;
 - (B) seventy-five dollars (\$75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; or
 - (C) sixty dollars (\$60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.

The superintendent shall charge a twenty dollar (\$20) fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited in accordance with subsection ~~(f)~~: **(g)**.

(c) **This subsection applies after June 30, 2020. In addition to the application fee, the fee for:**

- (1) a qualified license is:
 - (A) **zero dollars (\$0) for a five (5) year qualified license;**



(B) twenty-five dollars (\$25) for a lifetime qualified license from a person who does not currently possess a valid Indiana handgun license; and

(C) twenty dollars (\$20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and

(2) an unlimited license is:

(A) zero dollars (\$0) for a five (5) year unlimited license;

(B) seventy-five dollars (\$75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; and

(C) sixty dollars (\$60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.

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

~~(c)~~ **(d)** Licensed dealers are exempt from the payment of fees specified in ~~subsection~~ **subsections (b) and (c)** for a qualified license or an unlimited license.

~~(d)~~ **(e)** The following officers of this state or the United States who have been honorably retired by a lawfully created pension board or its equivalent after at least twenty (20) years of service or because of a disability are exempt from the payment of fees specified in ~~subsection~~ **subsections (b) and (c):**

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

~~(e)~~ **(f)** The following officers described in section 3(e) of this chapter who have at least twenty (20) years of service are exempt from the payment of fees for a lifetime qualified license or a lifetime unlimited license specified in ~~subsection~~ **subsections (b) and (c):**

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

~~(f)~~ **(g)** Fees collected under this section shall be deposited in the state general fund.

~~(g)~~ **(h)** The superintendent may not issue a lifetime qualified license or a lifetime unlimited license to a person who is a resident of another state. The superintendent may issue a ~~four (4)~~ **five (5)** year qualified license or a ~~four (4)~~ **five (5)** year unlimited license to a person who is



a resident of another state and who has a regular place of business or employment in Indiana as described in section 3(a)(3) of this chapter.

~~(h)~~ **(i)** A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

(j) If the Bureau of Alcohol, Tobacco, Firearms and Explosives certifies the five (5) year license described under this section as a valid National Instant Criminal Background Check System (NICS) compliant background check for firearm purchases:

(1) a five (5) year license issued under this section must conspicuously display the term "Brady Exempt"; and

(2) a person bearing a valid license described in subdivision

(1) is exempt from undergoing a:

(A) state; or

(B) federal;

background check when purchasing a firearm."

Page 5, line 1, delete "(a) As used in this section, "dangerous"".

Page 5, delete line 2.

Page 5, line 3, delete "(b)".

Page 5, run in lines 1 through 3.

Page 5, line 6, delete "IC 35-47-14-5" and insert "**IC 35-47-14-6**".

Page 5, delete lines 15 through 27, begin a new paragraph and insert:

"SECTION 8. IC 35-47-4-6.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.7. A person who knowingly or intentionally rents, transfers, sells, or offers for sale a firearm to another person who the person knows to be found dangerous by a circuit or superior court following a hearing under IC 35-47-14-6 commits unlawful transfer of a firearm to a dangerous person, a Level 5 felony.**

SECTION 9. IC 35-47-9-1, AS AMENDED BY P.L.157-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter does not apply to the following:

(1) A:

(A) federal;

(B) state; or

(C) local;

law enforcement officer.

(2) A:

(A) **qualified law enforcement officer (as defined in 18 U.S.C. 926B); or**



(B) qualified retired law enforcement officer (as defined in 18 U.S.C. 926C);

if the law enforcement officer carries the photographic identification required by 18 U.S.C. 926B or 18 U.S.C. 926C.

~~(2)~~ **(3)** A person who may legally possess a firearm and who has been authorized by:

(A) a school board (as defined by IC 20-26-9-4); or

(B) the body that administers a charter school established under IC 20-24;

to carry a firearm in or on school property.

~~(3)~~ **(4)** Except as provided in subsection (b) or (c), a person who:

(A) may legally possess a firearm; and

(B) possesses the firearm in a motor vehicle.

~~(4)~~ **(5)** A person who is a school resource officer, as defined in IC 20-26-18.2-1.

~~(5)~~ **(6)** Except as provided in subsection (b) or (c), a person who:

(A) may legally possess a firearm; and

(B) possesses only a firearm that is:

(i) locked in the trunk of the person's motor vehicle;

(ii) kept in the glove compartment of the person's locked motor vehicle; or

(iii) stored out of plain sight in the person's locked motor vehicle.

(7) A person who:

(A) may legally possess a firearm; and

(B) possesses a firearm on school property in connection with or while:

(i) attending a worship service or religious ceremony conducted at a house of worship located on the school property; or

(ii) carrying out the person's official duties at a house of worship located on the school property, if the person is employed by or a volunteer at the house of worship.

This subdivision does not affect the right of a property owner to prohibit, in whole or in part, the possession of a firearm on a property where a school or house of worship is located.

(b) For purposes of subsection ~~(a)(3)~~ **(a)(4)** and ~~(a)(5)~~; **(a)(6)**, a person does not include a person who is:

(1) enrolled as a student in any high school except if the person is a high school student and is a member of a shooting sports team and the school's principal has approved the person keeping a firearm concealed in the person's motor vehicle on the days the



person is competing or practicing as a member of a shooting sports team; or

(2) a former student of the school if the person is no longer enrolled in the school due to a disciplinary action within the previous twenty-four (24) months.

(c) For purposes of subsection ~~(a)(3)~~ **(a)(4)** and ~~(a)(5)~~; **(a)(6)**, a motor vehicle does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm."

Page 6, line 42, delete "provide the court with the:" and insert "**file a search warrant return with the court setting forth the:**".

Page 7, delete lines 4 through 12.

Page 7, line 24, delete ":".

Page 7, line 25, delete "(1)".

Page 7, line 26, delete "firearm; and" and insert "**firearm.**".

Page 7, run in lines 24 through 26.

Page 7, delete line 27.

Page 7, line 29, delete "subsections" and insert "**subsection**".

Page 7, line 29, delete "and (b)".

Page 7, line 35, delete "provide the court with the:" and insert "**file a search warrant return with the court setting forth the:**".

Page 7, delete lines 39 through 40.

Page 8, delete lines 3 through 9.

Page 8, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 14. IC 35-47-14-5, AS ADDED BY P.L.1-2006, SECTION 537, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~Not later than fourteen (14) days after a~~ **After the filing of a search warrant** return is filed under section 4 of this chapter or a **the filing of an affidavit written statement is submitted** under section 3 of this chapter, the court shall conduct a hearing. ~~to determine whether the seized firearm should be:~~

(1) returned to the individual from whom the firearm was seized;

or

(2) retained by the law enforcement agency having custody of the firearm.

(b) The court shall ~~set~~ **make a good faith effort to conduct** the hearing ~~date as soon as possible~~ **not later than fourteen (14) days** after the **filing of a search warrant** return is ~~filed~~ under section 4 of this chapter or **the filing of an affidavit under section 3 of this chapter. If the hearing cannot be conducted within fourteen (14)**



days after the filing of the search warrant return or affidavit, the court shall conduct the hearing as soon as possible. However, a request for a continuance of the hearing described in this subsection for a period of not more than sixty (60) days from the individual from whom the firearm was seized shall be liberally granted. The court shall inform:

- (1) the prosecuting attorney; and
- (2) the individual from whom the firearm was seized;

of the date, time, and location of the hearing. The court may conduct the hearing at a facility or other suitable place not likely to have a harmful effect upon the individual's health or well-being.

SECTION 15. IC 35-47-14-6, AS ADDED BY P.L.1-2006, SECTION 537, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) ~~In a hearing conducted under section 5 of this chapter, the state has the burden of proving all material facts by clear and convincing evidence. The court shall conduct a hearing as required under this chapter.~~

(b) ~~If the court, in a hearing under section 5 of this chapter, determines that the state has proved The state has the burden of proving all material facts by clear and convincing evidence. that the individual is dangerous, the court may order that the law enforcement agency having custody of the seized firearm retain the firearm. In addition, if the individual has received a license to carry a handgun, the court shall suspend the individual's license to carry a handgun. If the court determines that the state has failed to prove that the individual is dangerous, the court shall order the law enforcement agency having custody of the firearm to return the firearm to the individual from whom it was seized.~~

(c) **If the court determines that the state has proved by clear and convincing evidence that the individual is dangerous, the court shall:**

- (1) **issue a written order:**
 - (A) **finding the individual is dangerous (as defined in section 1 of this chapter);**
 - (B) **ordering the law enforcement agency having custody of the seized firearm to retain the firearm;**
 - (C) **ordering the individual's license to carry a handgun, if applicable, suspended; and**
 - (D) **enjoining the individual from:**
 - (i) **renting;**
 - (ii) **receiving transfer of;**
 - (iii) **owning; or**



(iv) possessing;
a firearm; and

(2) determine whether the individual should be referred to further proceedings to consider whether the individual should be involuntarily detained or committed under IC 12-26-6.

(d) Following the hearing, the clerk shall transmit any required information 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.

(e) If the court in a hearing under section 5 of this chapter, orders a law enforcement agency to retain a firearm, the law enforcement agency shall retain the firearm until the court orders the firearm returned or otherwise disposed of.

(f) If the court determines that the state has failed to prove by clear and convincing evidence that the individual is dangerous, the court shall issue a written order that:

(1) the individual is not dangerous (as defined in section 1 of this chapter); and

(2) the law enforcement agency having custody of the firearm shall return the firearm as quickly as practicable, but not later than five (5) days after the date of the order, to the individual from whom it was seized."

Delete page 9.

Page 10, delete lines 1 through 28.

Page 10, line 33, strike "6(b)" and insert "6(c)".

Page 10, line 34, delete "one (1) or" and insert "return of the firearm. a finding that the individual is no longer dangerous."

Page 10, delete lines 35 through 42.

Page 11, delete line 1.

Page 11, line 9, after "individual" delete ":".

Page 11, line 10, strike "(1)".

Page 11, line 10, delete ";" and insert ".".

Page 11, line 10, strike "and".

Page 11, strike line 11.

Page 11, line 12, strike "individual is".

Page 11, line 12, delete "no longer".

Page 11, line 12, strike "dangerous."

Page 11, between lines 12 and 13, begin a new paragraph and insert:

"(e) In a hearing on a petition under this section filed:

(1) not later than one (1) year after the date of the order issued under section 6(c) of this chapter, the individual must prove by a preponderance of the evidence that the individual



**is no longer dangerous; and
(2) later than one (1) year after the date of the order issued under section 6(c) of this chapter, the state must prove by clear and convincing evidence that the individual is still dangerous."**

Page 11, line 13, strike "(e)" and insert "(f)".

Page 11, line 14, strike "not" and insert "**no longer**".

Page 11, line 19, delete "confiscated, recovered, or seized from the individual".

Page 11, line 21, delete "and".

Page 11, line 22, delete "section 5" and insert "**section 6**".

Page 11, line 23, after "chapter;" insert "**and**".

Page 11, between lines 23 and 24, begin a new line block indented and insert:

"(4) terminate the suspension of the individual's license to carry a handgun so that the individual may reapply for a license."

Page 11, delete line 24.

Page 11, line 25, strike "(f)" and insert "(g)".

Page 11, line 28, delete "(g)" and insert "(h)".

Page 11, line 28, delete "(a)(2) or (e)(1)" and insert "(f)".

Page 11, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 17. IC 35-47-14-10, AS ADDED BY P.L.157-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) If a court has ordered a law enforcement agency to retain an individual's firearm under section 6 of this chapter, the individual **or the rightful owner of the firearm, as applicable**, may request petition the court to order the law enforcement agency to:

(1) transfer the firearm to a responsible third party as described under section 1.5 of this chapter;

(2) transfer the firearm to an individual who possesses a valid federal firearms license issued under 18 U.S.C. 923 for storage or an eventual lawful sale whose terms are mutually agreed upon between the licensee and the individual or rightful owner, as applicable; or

(3) sell the firearm at auction under IC 35-47-3-2 and return the proceeds to the individual or the rightful owner of the firearm, as applicable.

The responsible third party who accepts transfer of the firearm from the law enforcement agency under a court order under this



section shall enter into a written court agreement that obligates the responsible third party to the reasonable care and storage of the firearm, including not providing access or transferring the firearm to the individual found to be dangerous in a hearing under section 5 of this chapter.

(b) An individual **or rightful owner of the firearm** may ~~make~~ **petition the request court as** described in subsection (a):

- (1) at the ~~retention~~ hearing described in section **6 or 9** of this chapter; or
- (2) at any time before the ~~retention~~ hearing described in section **6 or 9** of this chapter is held.

(c) If an individual **or rightful owner** timely requests a sale **or transfer** of a firearm under subsection (a), the court shall order the law enforcement agency having custody of the firearm to **transfer the firearm or** sell the firearm at auction under IC 35-47-3-2, unless:

- (1) the serial number of the firearm has been obliterated;
- (2) **the transfer of the firearm would be unlawful; or**
- (3) **the requirements of subsection (a) have not been met.**

(d) If the court issues an order under subsection (c), the court's order must require:

- (1) that the firearm be sold not more than one (1) year after receipt of the order; and
- (2) that the proceeds of the sale be returned to the individual ~~who~~ **owns or rightful owner of** the firearm.

(e) ~~However, the~~ A law enforcement agency may retain not more than eight percent (8%) of the sale price to pay the costs of the sale, including administrative costs and the auctioneer's fee."

Delete page 12.

Page 13, delete lines 1 through 16.

Page 13, line 19, delete "Nothing in this chapter" and insert "**The sale or transfer of a firearm retained under this chapter does not:**

- (1) **alter or terminate an individual's designation as a dangerous person by a court; or**
- (2) **constitute prima facie evidence that an individual is no longer dangerous.**"

Page 13, delete lines 20 through 22, begin a new paragraph and insert:

"SECTION 19. IC 35-47-14-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. (a) A law enforcement agency storing a firearm seized under this chapter shall use reasonable care to ensure that the firearm is not lost or damaged,**



and the law enforcement agency is prohibited from marking the firearm for identification or other purposes.

(b) A law enforcement agency shall be liable for any damage to or loss of the firearm that results from the law enforcement agency's negligence in the storage or handling of the firearm.

SECTION 20. IC 35-47-14-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. Nothing in this chapter may be construed to authorize a warrantless search or seizure by a law enforcement officer if a warrant would otherwise be required."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1651 as reprinted February 12, 2019.)

HEAD, Chairperson

Committee Vote: Yeas 5, Nays 3.

REPORT OF THE PRESIDENT
PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that, subsequent to the adoption of the Committee Report on April 4, 2019, House Bill 1651 was reassigned to the Committee on Tax and Fiscal Policy.

BRAY

