

# HOUSE BILL No. 1056

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-1-9; IC 11-13-1-3.5; IC 14-16-1-23; IC 21-17-5-6; IC 21-39-4-7; IC 31-30-1-4; IC 35-33-1-1; IC 35-47; IC 35-50-2-13.

**Synopsis:** Handgun license repeal and reciprocity licenses. Repeals the law that requires a person to obtain a license to carry a handgun in Indiana. Specifies that a person who may otherwise legally carry a handgun is not required to obtain or possess a license or permit from the state to carry a handgun in Indiana. Makes conforming amendments. Allows a resident of Indiana who wishes to carry a firearm in another state under a reciprocity agreement entered into by Indiana and the other state to obtain an Indiana firearms reciprocity license from the superintendent of the state police department.

**Effective:** July 1, 2016.

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January 5, 2016, read first time and referred to Committee on Public Policy.

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Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

# HOUSE BILL No. 1056

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.117-2015,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 9. (a) The board shall adopt in accordance with  
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.  
5 The rules, which shall be adopted only after necessary and proper  
6 investigation and inquiry by the board, shall include the establishment  
7 of the following:

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



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

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

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

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

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

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

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

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

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

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

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

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

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



- 1 (B) Identification of human and sexual trafficking.  
 2 (C) Communicating with traumatized persons.  
 3 (D) Therapeutically appropriate investigative techniques.  
 4 (E) Collaboration with federal law enforcement officials.  
 5 (F) Rights of and protections afforded to victims.  
 6 (G) Providing documentation that satisfies the Declaration of  
 7 Law Enforcement Officer for Victim of Trafficking in Persons  
 8 (Form I-914, Supplement B) requirements established under  
 9 federal law.  
 10 (H) The availability of community resources to assist human  
 11 and sexual trafficking victims.
- 12 (b) A law enforcement officer appointed after July 5, 1972, and  
 13 before July 1, 1993, may not enforce the laws or ordinances of the state  
 14 or any political subdivision unless the officer has, within one (1) year  
 15 from the date of appointment, successfully completed the minimum  
 16 basic training requirements established under this chapter by the board.  
 17 If a person fails to successfully complete the basic training  
 18 requirements within one (1) year from the date of employment, the  
 19 officer may not perform any of the duties of a law enforcement officer  
 20 involving control or direction of members of the public or exercising  
 21 the power of arrest until the officer has successfully completed the  
 22 training requirements. This subsection does not apply to any law  
 23 enforcement officer appointed before July 6, 1972, or after June 30,  
 24 1993.
- 25 (c) Military leave or other authorized leave of absence from law  
 26 enforcement duty during the first year of employment after July 6,  
 27 1972, shall toll the running of the first year, which shall be calculated  
 28 by the aggregate of the time before and after the leave, for the purposes  
 29 of this chapter.
- 30 (d) Except as provided in subsections (e), (l), (r), and (s), a law  
 31 enforcement officer appointed to a law enforcement department or  
 32 agency after June 30, 1993, may not:
- 33 (1) make an arrest;  
 34 (2) conduct a search or a seizure of a person or property; or  
 35 (3) carry a firearm;
- 36 unless the law enforcement officer successfully completes, at a board  
 37 certified law enforcement academy or at a law enforcement training  
 38 center under section 10.5 or 15.2 of this chapter, the basic training  
 39 requirements established by the board under this chapter.
- 40 (e) This subsection does not apply to:  
 41 (1) a gaming agent employed as a law enforcement officer by the  
 42 Indiana gaming commission; or



1 (2) an:

2 (A) attorney; or

3 (B) investigator;

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

6 Before a law enforcement officer appointed after June 30, 1993,  
7 completes the basic training requirements, the law enforcement officer  
8 may exercise the police powers described in subsection (d) if the  
9 officer successfully completes the pre-basic course established in  
10 subsection (f). Successful completion of the pre-basic course authorizes  
11 a law enforcement officer to exercise the police powers described in  
12 subsection (d) for one (1) year after the date the law enforcement  
13 officer is appointed.

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

16 (1) law enforcement officers;

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

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

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

31 (g) The board shall adopt rules under IC 4-22-2 to establish a  
32 mandatory inservice training program for police officers and police  
33 reserve officers (as described in IC 36-8-3-20). After June 30, 1993, a  
34 law enforcement officer who has satisfactorily completed basic training  
35 and has been appointed to a law enforcement department or agency on  
36 either a full-time or part-time basis is not eligible for continued  
37 employment unless the officer satisfactorily completes the mandatory  
38 inservice training requirements established by rules adopted by the  
39 board. Inservice training must include training in interacting with  
40 persons with mental illness, addictive disorders, intellectual  
41 disabilities, autism, developmental disabilities, and Alzheimer's disease  
42 or related senile dementia, to be provided by persons approved by the



1 secretary of family and social services and the board, and training  
 2 concerning human and sexual trafficking and high risk missing persons  
 3 (as defined in IC 5-2-17-1). The board may approve courses offered by  
 4 other public or private training entities, including postsecondary  
 5 educational institutions, as necessary in order to ensure the availability  
 6 of an adequate number of inservice training programs. The board may  
 7 waive an officer's inservice training requirements if the board  
 8 determines that the officer's reason for lacking the required amount of  
 9 inservice training hours is due to either of the following:

10 (1) An emergency situation.

11 (2) The unavailability of courses.

12 (h) The board shall also adopt rules establishing a town marshal  
 13 basic training program, subject to the following:

14 (1) The program must require fewer hours of instruction and class  
 15 attendance and fewer courses of study than are required for the  
 16 mandated basic training program.

17 (2) Certain parts of the course materials may be studied by a  
 18 candidate at the candidate's home in order to fulfill requirements  
 19 of the program.

20 (3) Law enforcement officers successfully completing the  
 21 requirements of the program are eligible for appointment only in  
 22 towns employing the town marshal system (IC 36-5-7) and having  
 23 not more than one (1) marshal and two (2) deputies.

24 (4) The limitation imposed by subdivision (3) does not apply to an  
 25 officer who has successfully completed the mandated basic  
 26 training program.

27 (5) The time limitations imposed by subsections (b) and (c) for  
 28 completing the training are also applicable to the town marshal  
 29 basic training program.

30 (6) The program must require training in interacting with  
 31 individuals with autism.

32 (i) The board shall adopt rules under IC 4-22-2 to establish an  
 33 executive training program. The executive training program must  
 34 include training in the following areas:

35 (1) Liability.

36 (2) Media relations.

37 (3) Accounting and administration.

38 (4) Discipline.

39 (5) Department policy making.

40 (6) Lawful use of force.

41 (7) Department programs.

42 (8) Emergency vehicle operation.



- 1           (9) Cultural diversity.
- 2           (j) A police chief shall apply for admission to the executive training  
3 program within two (2) months of the date the police chief initially  
4 takes office. A police chief must successfully complete the executive  
5 training program within six (6) months of the date the police chief  
6 initially takes office. However, if space in the executive training  
7 program is not available at a time that will allow completion of the  
8 executive training program within six (6) months of the date the police  
9 chief initially takes office, the police chief must successfully complete  
10 the next available executive training program that is offered after the  
11 police chief initially takes office.
- 12           (k) A police chief who fails to comply with subsection (j) may not  
13 continue to serve as the police chief until completion of the executive  
14 training program. For the purposes of this subsection and subsection  
15 (j), "police chief" refers to:
- 16               (1) the police chief of any city;  
17               (2) the police chief of any town having a metropolitan police  
18 department; and  
19               (3) the chief of a consolidated law enforcement department  
20 established under IC 36-3-1-5.1.
- 21 A town marshal is not considered to be a police chief for these  
22 purposes, but a town marshal may enroll in the executive training  
23 program.
- 24           (l) A fire investigator in the division of fire and building safety  
25 appointed after December 31, 1993, is required to comply with the  
26 basic training standards established under this chapter.
- 27           (m) The board shall adopt rules under IC 4-22-2 to establish a  
28 program to certify handgun safety courses, including courses offered  
29 in the private sector, that meet standards approved by the board for  
30 training probation officers in handgun safety as required by  
31 ~~IC 11-13-1-3.5(3)~~. **IC 11-13-1-3.5(2)**.
- 32           (n) The board shall adopt rules under IC 4-22-2 to establish a  
33 refresher course for an officer who:
- 34               (1) is hired by an Indiana law enforcement department or agency  
35 as a law enforcement officer;  
36               (2) has not been employed as a law enforcement officer for at  
37 least two (2) years and less than six (6) years before the officer is  
38 hired under subdivision (1) due to the officer's resignation or  
39 retirement; and  
40               (3) completed at any time a basic training course certified by the  
41 board before the officer is hired under subdivision (1).
- 42           (o) The board shall adopt rules under IC 4-22-2 to establish a



- 1 refresher course for an officer who:
- 2 (1) is hired by an Indiana law enforcement department or agency
- 3 as a law enforcement officer;
- 4 (2) has not been employed as a law enforcement officer for at
- 5 least six (6) years and less than ten (10) years before the officer
- 6 is hired under subdivision (1) due to the officer's resignation or
- 7 retirement;
- 8 (3) is hired under subdivision (1) in an upper level policymaking
- 9 position; and
- 10 (4) completed at any time a basic training course certified by the
- 11 board before the officer is hired under subdivision (1).

12 A refresher course established under this subsection may not exceed

13 one hundred twenty (120) hours of course work. All credit hours

14 received for successfully completing the police chief executive training

15 program under subsection (i) shall be applied toward the refresher

16 course credit hour requirements.

17 (p) Subject to subsection (q), an officer to whom subsection (n) or

18 (o) applies must successfully complete the refresher course described

19 in subsection (n) or (o) not later than six (6) months after the officer's

20 date of hire, or the officer loses the officer's powers of:

- 21 (1) arrest;
- 22 (2) search; and
- 23 (3) seizure.

24 (q) A law enforcement officer who has worked as a law enforcement

25 officer for less than twenty-five (25) years before being hired under

26 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course

27 described in subsection (n) or (o) and must repeat the full basic training

28 course to regain law enforcement powers. However, a law enforcement

29 officer who has worked as a law enforcement officer for at least

30 twenty-five (25) years before being hired under subsection (n)(1) or

31 (o)(1) and who otherwise satisfies the requirements of subsection (n)

32 or (o) is not required to repeat the full basic training course to regain

33 law enforcement power but shall attend the refresher course described

34 in subsection (n) or (o) and the pre-basic training course established

35 under subsection (f).

36 (r) This subsection applies only to a gaming agent employed as a

37 law enforcement officer by the Indiana gaming commission. A gaming

38 agent appointed after June 30, 2005, may exercise the police powers

39 described in subsection (d) if:

- 40 (1) the agent successfully completes the pre-basic course
- 41 established in subsection (f); and
- 42 (2) the agent successfully completes any other training courses





1 established by the Indiana gaming commission in conjunction  
2 with the board.

3 (s) This subsection applies only to a securities enforcement officer  
4 designated as a law enforcement officer by the securities  
5 commissioner. A securities enforcement officer may exercise the police  
6 powers described in subsection (d) if:

- 7 (1) the securities enforcement officer successfully completes the  
8 pre-basic course established in subsection (f); and  
9 (2) the securities enforcement officer successfully completes any  
10 other training courses established by the securities commissioner  
11 in conjunction with the board.

12 (t) As used in this section, "upper level policymaking position"  
13 refers to the following:

14 (1) If the authorized size of the department or town marshal  
15 system is not more than ten (10) members, the term refers to the  
16 position held by the police chief or town marshal.

17 (2) If the authorized size of the department or town marshal  
18 system is more than ten (10) members but less than fifty-one (51)  
19 members, the term refers to:

- 20 (A) the position held by the police chief or town marshal; and  
21 (B) each position held by the members of the police  
22 department or town marshal system in the next rank and pay  
23 grade immediately below the police chief or town marshal.

24 (3) If the authorized size of the department or town marshal  
25 system is more than fifty (50) members, the term refers to:

- 26 (A) the position held by the police chief or town marshal; and  
27 (B) each position held by the members of the police  
28 department or town marshal system in the next two (2) ranks  
29 and pay grades immediately below the police chief or town  
30 marshal.

31 (u) This subsection applies only to a correctional police officer  
32 employed by the department of correction. A correctional police officer  
33 may exercise the police powers described in subsection (d) if:

- 34 (1) the officer successfully completes the pre-basic course  
35 described in subsection (f); and  
36 (2) the officer successfully completes any other training courses  
37 established by the department of correction in conjunction with  
38 the board.

39 SECTION 2. IC 11-13-1-3.5 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. A probation officer  
41 may not carry a handgun ~~as described in IC 35-47-2-1~~ **in any vehicle**  
42 **or on or about the probation officer's body** while acting in the scope



1 of employment as a probation officer unless all of the following  
2 conditions are met:

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

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

7 ~~(3)~~ (2) The probation officer successfully completes a handgun  
8 safety course certified by the law enforcement training board  
9 under IC 5-2-1-9(m).

10 SECTION 3. IC 14-16-1-23, AS AMENDED BY P.L.35-2011,  
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2016]: Sec. 23. (a) An individual shall not operate a vehicle  
13 under any of the following conditions:

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

17 (2) While:

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

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

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

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

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

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

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

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

35 (7) Within one hundred (100) feet of a dwelling between midnight  
36 and 6:00 a.m., except on the individual's own property or property  
37 under the individual's control or as an invited guest.

38 (8) On any property without the consent of the landowner or  
39 tenant.

40 (9) While transporting on or in the vehicle a firearm, unless the  
41 firearm is:

42 (A) unloaded; and



- 1 (B) securely encased or equipped with and made inoperative  
 2 by a manufactured keylocked trigger housing mechanism.  
 3 (10) On or across a cemetery or burial ground.  
 4 (11) Within one hundred (100) feet of a slide, ski, or skating area,  
 5 except for the purpose of servicing the area.  
 6 (12) On a railroad track or railroad right-of-way, except railroad  
 7 personnel in the performance of duties.  
 8 (13) In or upon a flowing river, stream, or creek, except for the  
 9 purpose of crossing by the shortest possible route, unless the  
 10 river, stream, or creek is of sufficient water depth to permit  
 11 movement by flotation of the vehicle at all times.  
 12 (14) An individual shall not operate a vehicle while a bow is  
 13 present in or on the vehicle if the nock of an arrow is in position  
 14 on the string of the bow.  
 15 (b) Subsection (a)(9) does not apply to a person who is carrying a  
 16 firearm:  
 17 (1) if  
 18 ~~(A) the firearm is a handgun; and~~  
 19 ~~(B) the person has been issued an unlimited handgun license~~  
 20 ~~to carry a handgun under IC 35-47-2;~~  
 21 ~~(2) if:~~  
 22 ~~(A) the firearm is a handgun; and~~  
 23 ~~(B) the person is not required to possess a license to carry a~~  
 24 ~~handgun under IC 35-47-2-2; or~~  
 25 ~~(3) (2) if the person carrying the firearm is operating the vehicle~~  
 26 ~~on property that the person:~~  
 27 ~~(A) owns;~~  
 28 ~~(B) has a contractual interest in;~~  
 29 ~~(C) otherwise legally possesses; or~~  
 30 ~~(D) has permission from a person described in clauses (A)~~  
 31 ~~through (C) to possess a firearm on.~~  
 32 SECTION 4. IC 21-17-5-6, AS ADDED BY P.L.2-2007, SECTION  
 33 258, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
 34 1, 2016]: Sec. 6. Whenever a police officer retires after at least twenty  
 35 (20) years of service, the police officer may retain the officer's service  
 36 weapon. The officer is entitled to receive, in recognition of the service  
 37 to the educational institution and the public, a badge that indicates that  
 38 the officer is retired. Upon retirement, the state police department shall  
 39 issue to the police officer an identification card that:  
 40 (1) states the police officer's name and rank at retirement;  
 41 (2) states the officer's retired status; and  
 42 (3) notes the officer's authority to retain the service weapon.



1 A retired police officer described in this section is entitled to a lifetime  
2 **firearms reciprocity** license to carry a handgun under IC 35-47-2-3(e).

3 SECTION 5. IC 21-39-4-7, AS ADDED BY P.L.2-2007, SECTION  
4 280, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2016]: Sec. 7. Whenever a police officer retires after at least twenty  
6 (20) years of service, the police officer may retain the officer's service  
7 weapon. The officer is entitled to receive, in recognition of the service  
8 to the state educational institution and the public, a badge that indicates  
9 that the officer is retired. Upon retirement, the state police department  
10 shall issue to the police officer an identification card that:

- 11 (1) states the police officer's name and rank at retirement;
- 12 (2) states the officer's retired status; and
- 13 (3) notes the officer's authority to retain the service weapon.

14 A police officer described in this section is entitled to a lifetime  
15 **firearms reciprocity** license to carry a handgun under IC 35-47-2-3(e).

16 SECTION 6. IC 31-30-1-4, AS AMENDED BY P.L.84-2015,  
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2016]: Sec. 4. (a) The juvenile court does not have jurisdiction  
19 over an individual for an alleged violation of:

- 20 (1) IC 35-41-5-1(a) (attempted murder);
- 21 (2) IC 35-42-1-1 (murder);
- 22 (3) IC 35-42-3-2 (kidnapping);
- 23 (4) IC 35-42-4-1 (rape);
- 24 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
- 25 (6) IC 35-42-5-1 (robbery) if:
  - 26 (A) the robbery was committed while armed with a deadly  
27 weapon; or
  - 28 (B) the robbery results in bodily injury or serious bodily  
29 injury;
- 30 (7) IC 35-42-5-2 (carjacking) (before its repeal);
- 31 ~~(8) IC 35-47-2-1 (carrying a handgun without a license); if~~  
32 ~~charged as a felony;~~
- 33 ~~(9) (8) IC 35-47-10 (children and firearms), if charged as a felony;~~  
34 or
- 35 ~~(10) (9) any offense that may be joined under IC 35-34-1-9(a)(2)~~  
36 ~~with any crime listed in this subsection;~~

37 if the individual was at least sixteen (16) years of age at the time of the  
38 alleged violation.

39 (b) Once an individual described in subsection (a) has been charged  
40 with any crime listed in subsection (a), the court having adult criminal  
41 jurisdiction shall retain jurisdiction over the case even if the individual  
42 pleads guilty to or is convicted of a lesser included offense. A plea of



1 guilty to or a conviction of a lesser included offense does not vest  
2 jurisdiction in the juvenile court.

3 SECTION 7. IC 35-33-1-1, AS AMENDED BY P.L.226-2014(ts),  
4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2016]: Sec. 1. (a) A law enforcement officer may arrest a  
6 person when the officer has:

- 7 (1) a warrant commanding that the person be arrested;  
8 (2) probable cause to believe the person has committed or  
9 attempted to commit, or is committing or attempting to commit,  
10 a felony;  
11 (3) probable cause to believe the person has violated the  
12 provisions of IC 9-26-1-1.1 or IC 9-30-5;  
13 (4) probable cause to believe the person is committing or  
14 attempting to commit a misdemeanor in the officer's presence;  
15 (5) probable cause to believe the person has committed a:  
16 (A) battery resulting in bodily injury under IC 35-42-2-1; or  
17 (B) domestic battery under IC 35-42-2-1.3.

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

- 21 (6) probable cause to believe that the person violated  
22 IC 35-46-1-15.1 (invasion of privacy);  
23 ~~(7) probable cause to believe that the person violated~~  
24 ~~IC 35-47-2-1 (carrying a handgun without a license) or~~  
25 ~~IC 35-47-2-22 (counterfeit handgun license);~~  
26 (8) (7) probable cause to believe that the person is violating or has  
27 violated an order issued under IC 35-50-7;  
28 (9) (8) probable cause to believe that the person is violating or has  
29 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous  
30 device);  
31 ~~(10) (9) probable cause to believe that the person is:~~  
32 (A) violating or has violated IC 35-45-2-5 (interference with  
33 the reporting of a crime); and  
34 (B) interfering with or preventing the reporting of a crime  
35 involving domestic or family violence (as defined in  
36 IC 34-6-2-34.5);  
37 ~~(11) (10) probable cause to believe that the person has committed~~  
38 ~~theft (IC 35-43-4-2);~~  
39 ~~(12) (11) a removal order issued for the person by an immigration~~  
40 ~~court;~~  
41 ~~(13) (12) a detainer or notice of action for the person issued by the~~  
42 ~~United States Department of Homeland Security; or~~



1           ~~(14)~~ **(13)** probable cause to believe that the person has been  
 2           indicted for or convicted of one (1) or more aggravated felonies  
 3           (as defined in 8 U.S.C. 1101(a)(43)).

4           (b) A person who:

- 5           (1) is employed full time as a federal enforcement officer;  
 6           (2) is empowered to effect an arrest with or without warrant for a  
 7           violation of the United States Code; and  
 8           (3) is authorized to carry firearms in the performance of the  
 9           person's duties;

10          may act as an officer for the arrest of offenders against the laws of this  
 11          state where the person reasonably believes that a felony has been or is  
 12          about to be committed or attempted in the person's presence.

13          SECTION 8. IC 35-47-2-1, AS AMENDED BY P.L.158-2013,  
 14          SECTION 573, IS AMENDED TO READ AS FOLLOWS  
 15          [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in  
 16          subsections (b) and (c) and section 2 of this chapter, a person shall not  
 17          carry a handgun in any vehicle or on or about the person's body without  
 18          being licensed under this chapter to carry a handgun.

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

22           (1) the person carries the handgun on or about the person's body  
 23           in or on property that is owned, leased, rented, or otherwise  
 24           legally controlled by the person;

25           (2) the person carries the handgun on or about the person's body  
 26           while lawfully present in or on property that is owned, leased,  
 27           rented, or otherwise legally controlled by another person, if the  
 28           person:

29           (A) has the consent of the owner, renter, lessor, or person who  
 30           legally controls the property to have the handgun on the  
 31           premises;

32           (B) is attending a firearms related event on the property,  
 33           including a gun show, firearms expo, gun owner's club or  
 34           convention, hunting club, shooting club, or training course; or  
 35           (C) is on the property to receive firearms related services,  
 36           including the repair, maintenance, or modification of a  
 37           firearm;

38           (3) the person carries the handgun in a vehicle that is owned;  
 39           leased, rented, or otherwise legally controlled by the person, if the  
 40           handgun is:

41           (A) unloaded;

42           (B) not readily accessible; and



- 1           (Ⓒ) secured in a case;
- 2           (4) the person carries the handgun while lawfully present in a
- 3           vehicle that is owned, leased, rented, or otherwise legally
- 4           controlled by another person; if the handgun is:
- 5           (A) unloaded;
- 6           (B) not readily accessible; and
- 7           (Ⓒ) secured in a case; or
- 8           (5) the person carries the handgun:
- 9           (A) at a shooting range (as defined in IC 14-22-31.5-3);
- 10          (B) while attending a firearms instructional course; or
- 11          (Ⓒ) while engaged in a legal hunting activity.
- 12          (e) (a) Unless the person's right to possess a firearm has been
- 13          restored under IC 35-47-4-7, a person who has been convicted of
- 14          domestic battery under IC 35-42-2-1.3 may not possess or carry a
- 15          handgun.
- 16          (d) This section may be not construed:
- 17          (1) to prohibit a person who owns, leases, rents, or otherwise
- 18          legally controls private property from regulating or prohibiting the
- 19          possession of firearms on the private property;
- 20          (2) to allow a person to adopt or enforce an ordinance, resolution,
- 21          policy, or rule that:
- 22                (A) prohibits; or
- 23                (B) has the effect of prohibiting;
- 24          an employee of the person from possessing a firearm or
- 25          ammunition that is locked in the trunk of the employee's vehicle,
- 26          kept in the glove compartment of the employee's locked vehicle,
- 27          or stored out of plain sight in the employee's locked vehicle;
- 28          unless the person's adoption or enforcement of the ordinance,
- 29          resolution, policy, or rule is allowed under IC 34-28-7-2(b); or
- 30          (3) to allow a person to adopt or enforce a law, statute, ordinance,
- 31          resolution, policy, or rule that allows a person to possess or
- 32          transport a firearm or ammunition if the person is prohibited from
- 33          possessing or transporting the firearm or ammunition by state or
- 34          federal law.
- 35          (e) (b) A person who knowingly or intentionally violates this section
- 36          commits a Class A misdemeanor. However, the offense is a Level 5
- 37          felony:
- 38                (1) if the offense is committed:
- 39                    (A) on or in school property;
- 40                    (B) within five hundred (500) feet of school property; or
- 41                    (C) on a school bus; or
- 42                (2) if the person:



1 (A) has a prior conviction of any offense under

2 (i) this section; or

3 (ii) ~~section 22 of this chapter~~; or

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

6 SECTION 9. IC 35-47-2-2 IS REPEALED [EFFECTIVE JULY 1,  
7 2016]. ~~Sec. 2: Section † of this chapter does not apply to:~~

8 (†) marshals;

9 (2) sheriffs;

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

12 (4) judicial officers;

13 (5) law enforcement officers;

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

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

20 (8) employees of the United States duly authorized to carry  
21 handguns;

22 (9) employees of express companies when engaged in company  
23 business; or

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

29 SECTION 10. IC 35-47-2-3, AS AMENDED BY P.L.158-2013,  
30 SECTION 574, IS AMENDED TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) ~~A person desiring a license~~  
32 ~~to who may otherwise legally~~ carry a handgun ~~shall apply: is not~~  
33 **required to obtain or possess a license or permit from the state to**  
34 **carry a handgun in Indiana. A resident of this state who wishes to**  
35 **carry a firearm in another state under a reciprocity agreement**  
36 **entered into by this state and the other state may obtain an Indiana**  
37 **firearms reciprocity license under this chapter by applying:**

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 **reciprocity** license ~~to carry a~~  
 8 ~~handgun~~ to submit an application electronically under this chapter if  
 9 funds are available to establish and maintain an electronic application  
 10 system.

11 (b) The law enforcement agency which accepts an application for a  
 12 ~~handgun~~ **reciprocity** license shall collect the following application  
 13 fees:

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

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

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

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

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



1 applicant has previously held an Indiana **reciprocity** license ~~to carry~~  
 2 ~~a handgun~~ and, if so, the serial number of the license and year issued,  
 3 whether the applicant's license has ever been suspended or revoked,  
 4 and if so, the year and reason for the suspension or revocation, and the  
 5 applicant's reason for desiring a license. The officer to whom the  
 6 application is made shall conduct an investigation into the applicant's  
 7 official records and verify thereby the applicant's character and  
 8 reputation, and shall in addition verify for accuracy the information  
 9 contained in the application, and shall forward this information  
 10 together with the officer's recommendation for approval or disapproval  
 11 and one (1) set of legible and classifiable fingerprints of the applicant  
 12 to the superintendent.

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

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

- 20 (1) has a proper reason for ~~carrying a handgun;~~ **receiving a**  
 21 **reciprocity license;**  
 22 (2) is of good character and reputation;  
 23 (3) is a proper person to be licensed; and  
 24 (4) is:  
 25 (A) a citizen of the United States; or  
 26 (B) not a citizen of the United States but is allowed to carry a  
 27 firearm in the United States under federal law;

28 the superintendent shall issue to the applicant a ~~qualified or an~~  
 29 ~~unlimited reciprocity~~ license. ~~to carry any handgun lawfully possessed~~  
 30 ~~by the applicant.~~ The original license shall be delivered to the licensee.  
 31 A copy shall be delivered to the officer to whom the application for  
 32 license was made. A copy shall be retained by the superintendent for  
 33 at least four (4) years in the case of a four (4) year license. The  
 34 superintendent may adopt guidelines to establish a records retention  
 35 policy for a lifetime license. A four (4) year license shall be valid for  
 36 a period of four (4) years from the date of issue. A lifetime license is  
 37 valid for the life of the individual receiving the license. The license of  
 38 police officers, sheriffs or their deputies, and law enforcement officers  
 39 of the United States government who have been honorably retired by  
 40 a lawfully created pension board or its equivalent after twenty (20) or  
 41 more years of service shall be valid for the life of these individuals.  
 42 However, a lifetime license is automatically revoked if the license



- 1 holder does not remain a proper person.
- 2 (f) At the time a **reciprocity** license is issued and delivered to a
- 3 licensee under subsection (e), the superintendent shall include with the
- 4 license information concerning ~~handgun~~ **firearms** safety rules that:
- 5 (1) neither opposes nor supports an individual's right to bear
- 6 arms; and
- 7 (2) is:
- 8 (A) recommended by a nonprofit educational organization that
- 9 is dedicated to providing education on safe handling and use
- 10 of firearms;
- 11 (B) prepared by the state police department; and
- 12 (C) approved by the superintendent.

13 The superintendent may not deny a license under this section because

14 the information required under this subsection is unavailable at the

15 time the superintendent would otherwise issue a license. The state

16 police department may accept private donations or grants to defray the

17 cost of printing and mailing the information required under this

18 subsection.

- 19 (g) A **reciprocity** license ~~to carry a handgun~~ shall not be issued to
- 20 any person who:
- 21 (1) has been convicted of a felony;
- 22 (2) has had a **reciprocity** license ~~to carry a handgun~~ suspended,
- 23 unless the person's license has been reinstated;
- 24 (3) is under eighteen (18) years of age;
- 25 (4) is under twenty-three (23) years of age if the person has been
- 26 adjudicated a delinquent child for an act that would be a felony if
- 27 committed by an adult; or
- 28 (5) has been arrested for a Class A or Class B felony for an
- 29 offense committed before July 1, 2014, for a Level 1, Level 2,
- 30 Level 3, or Level 4 felony for an offense committed after June 30,
- 31 2014, or any other felony that was committed while armed with
- 32 a deadly weapon or that involved the use of violence, if a court
- 33 has found probable cause to believe that the person committed the
- 34 offense charged.

35 In the case of an arrest under subdivision (5), a **reciprocity** license ~~to~~

36 ~~carry a handgun~~ may be issued to a person who has been acquitted of

37 the specific offense charged or if the charges for the specific offense

38 are dismissed. The superintendent shall prescribe all forms to be used

39 in connection with the administration of this chapter.

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



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

2 (i) If a person who holds a valid **reciprocity** license ~~to carry a~~  
3 ~~handgun~~ issued under this chapter:

4 (1) changes the person's name;

5 (2) changes the person's address; or

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

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

16 (j) The state police shall indicate on the form for a **reciprocity**  
17 license ~~to carry a handgun~~ the notification requirements of subsection  
18 (i).

19 (k) The state police department shall adopt rules under IC 4-22-2 to  
20 implement an electronic application system under subsection (a). Rules  
21 adopted under this section must require the superintendent to keep on  
22 file one (1) set of classifiable and legible fingerprints from every  
23 person who has received a **reciprocity** license ~~to carry a handgun~~ so  
24 that a person who applies to renew a license will not be required to  
25 submit an additional set of fingerprints.

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

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

30 (A) obtain; or

31 (B) renew;

32 a **reciprocity** license. ~~to carry a handgun~~;

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

36 (A) obtain; or

37 (B) renew;

38 a **reciprocity** license ~~to carry a handgun~~ issued under this  
39 chapter.

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



1 (m) Notwithstanding subsection (l):

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

6 (A) for law enforcement purposes; or

7 (B) to determine the validity of a **reciprocity** license; ~~to carry~~  
8 ~~a handgun~~; and

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

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

17 SECTION 11. IC 35-47-2-4, AS AMENDED BY P.L.158-2013,  
18 SECTION 575, IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) **Reciprocity** licenses ~~to carry~~  
20 ~~handguns shall be either qualified or unlimited; and issued under~~  
21 **section 3 of this chapter** are valid for:

22 (1) four (4) years from the date of issue in the case of a four (4)  
23 year license; or

24 (2) the life of the individual receiving the license in the case of a  
25 lifetime license.

26 A qualified license shall be issued for hunting and target practice. The  
27 superintendent may adopt rules imposing limitations on the use and  
28 carrying of handguns under a license when handguns are carried by a  
29 licensee as a condition of employment. Unlimited licenses shall be  
30 issued for the purpose of the protection of life and property:

31 (b) In addition to the application fee, the fee for:

32 (1) a qualified license shall be:

33 (A) five dollars (\$5) for a four (4) year qualified license;

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

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

40 (2) an unlimited license shall be:

41 (A) thirty dollars (\$30) for a four (4) year unlimited license;

42 (B) seventy-five dollars (\$75) for a lifetime unlimited license



1 from a person who does not currently possess a valid Indiana  
 2 handgun license; or  
 3 ~~(C)~~ sixty dollars (\$60) for a lifetime unlimited license from a  
 4 person who currently possesses a valid Indiana handgun  
 5 license.

6 (b) The superintendent shall charge a twenty dollar (\$20) fee for the  
 7 issuance of a duplicate **reciprocity** license to replace a lost or damaged  
 8 license. ~~These fees~~ **The fee** shall be deposited in accordance with  
 9 subsection ~~(c)~~: **(d)**.

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

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

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

21 ~~(e)~~ **(d)** Fees collected under this section shall be deposited in the  
 22 state general fund.

23 ~~(f)~~ **(e)** The superintendent may not issue a lifetime ~~qualified license~~  
 24 ~~or a lifetime unlimited reciprocity~~ license to a person who is a resident  
 25 of another state. The superintendent may issue a four (4) year ~~qualified~~  
 26 ~~license or a four (4) year unlimited reciprocity~~ license to a person who  
 27 is a resident of another state and who has a regular place of business or  
 28 employment in Indiana as described in section 3(a)(3) of this chapter.

29 ~~(g)~~ **(f)** A person who knowingly or intentionally violates this section  
 30 commits a Class B misdemeanor.

31 SECTION 12. IC 35-47-2-5, AS AMENDED BY P.L.158-2013,  
 32 SECTION 576, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The superintendent may  
 34 suspend or revoke any **reciprocity** license issued under this chapter if  
 35 the superintendent has reasonable grounds to believe that the person's  
 36 license should be suspended or revoked.

37 (b) Documented evidence that a person is not a "proper person" to  
 38 be licensed as defined by IC 35-47-1-7, or is prohibited under section  
 39 3(g)(5) of this chapter from being issued a license, shall be grounds for  
 40 immediate suspension or revocation of a **reciprocity** license previously  
 41 issued under this chapter. However, if a license is suspended or  
 42 revoked based solely on an arrest under section 3(g)(5) of this chapter,



1 the license shall be reinstated upon the acquittal of the defendant in  
2 that case or upon the dismissal of the charges for the specific offense.

3 (c) A person who knowingly or intentionally fails to promptly return  
4 the person's **reciprocity** license after written notice of suspension or  
5 revocation commits a Class A misdemeanor. The observation of a  
6 ~~handgun~~ **reciprocity** license in the possession of a person whose  
7 license has been suspended or revoked constitutes a sufficient basis for  
8 the arrest of that person for violation of this subsection.

9 (d) The superintendent shall establish rules under IC 4-22-2  
10 concerning the procedure for suspending or revoking a person's  
11 **reciprocity** license.

12 SECTION 13. IC 35-47-2-17, AS AMENDED BY P.L.158-2013,  
13 SECTION 581, IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) No person, in purchasing or  
15 otherwise securing delivery of a firearm or in applying for a  
16 **reciprocity** license, ~~to carry a handgun~~, shall knowingly or  
17 intentionally:

18 (1) give false information on a form required to:

19 (A) purchase or secure delivery of a firearm; or

20 (B) apply for a **reciprocity** license; ~~to carry a handgun~~; or

21 (2) offer false evidence of identity.

22 In addition to any penalty provided by this chapter, any firearm  
23 obtained through false information shall be subject to confiscation and  
24 disposition as provided in this chapter. Upon notice of a violation of  
25 this section by the superintendent, it shall be the duty of the sheriff or  
26 chief of police or corresponding officer of the jurisdiction in which the  
27 purchaser resides to confiscate the firearm and retain it as evidence  
28 pending trial for the offense.

29 (b) A person who knowingly or intentionally violates this section  
30 commits a Level 5 felony.

31 SECTION 14. IC 35-47-2-20 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) A full pardon  
33 from the governor of Indiana for:

34 (1) a felony other than a felony that is included in IC 35-42; or

35 (2) a violation of this chapter;

36 removes any disability under this chapter imposed because of that  
37 offense, if fifteen (15) years have elapsed between the time of the  
38 offense and the application for a license under this chapter.

39 (b) A conditional pardon ~~described in~~ **issued under** IC 11-9-2-4 for:

40 (1) a felony; or

41 (2) a violation of this chapter;

42 removes a disability under this chapter if the superintendent determines



1 after an investigation that circumstances have changed since the  
 2 pardoned conviction was entered to such an extent that the pardoned  
 3 person is likely to handle handguns in compliance with the law.

4 SECTION 15. IC 35-47-2-22 IS REPEALED [EFFECTIVE JULY  
 5 1, 2016]. Sec. 22: (a) It is unlawful for any person to use, or to attempt  
 6 to use; a false, counterfeit, spurious, or altered handgun-carrying  
 7 license to obtain a handgun contrary to the provisions of this chapter.

8 (b) A person who knowingly or intentionally violates this section  
 9 commits a Level 6 felony.

10 SECTION 16. IC 35-47-2-24 IS REPEALED [EFFECTIVE JULY  
 11 1, 2016]. Sec. 24: (a) In an information or indictment brought for the  
 12 enforcement of any provision of this chapter, it is not necessary to  
 13 negate any exemption specified under this chapter, or to allege the  
 14 absence of a license required under this chapter. The burden of proof  
 15 is on the defendant to prove that he is exempt under section 2 of this  
 16 chapter, or that he has a license as required under this chapter.

17 (b) Whenever a person who has been arrested or charged with a  
 18 violation of section 1 of this chapter presents a valid license to the  
 19 prosecuting attorney or establishes that he is exempt under section 2 of  
 20 this chapter, any prosecution for a violation of section 1 of this chapter  
 21 shall be dismissed immediately, and all records of an arrest or  
 22 proceedings following arrest shall be destroyed immediately.

23 SECTION 17. IC 35-47-2.5-1, AS AMENDED BY P.L.152-2014,  
 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2016]: Sec. 1. (a) Sections 2 through 5 of this chapter do not  
 26 apply to the following:

27 (1) Transactions between persons who are licensed as firearms  
 28 importers or collectors or firearms manufacturers or dealers under  
 29 18 U.S.C. 923.

30 (2) Purchases by or sales to a law enforcement officer or agent of  
 31 the United States, the state, or a county or local government.

32 ~~(3) Indiana residents licensed to carry handguns under~~  
 33 ~~IC 35-47-2-3.~~

34 (b) Notwithstanding any other provision of this chapter, the state  
 35 shall participate in the NICS if federal funds are available to assist the  
 36 state in participating in the NICS. If:

37 (1) the state participates in the NICS; and

38 (2) there is a conflict between:

39 (A) a provision of this chapter; and

40 (B) a procedure required under the NICS;

41 the procedure required under the NICS prevails over the conflicting  
 42 provision of this chapter.





1 SECTION 18. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 4. This chapter may not be construed to prevent  
4 any of the following:

5 (1) A law enforcement agency of a political subdivision from  
6 enacting and enforcing regulations pertaining to firearms,  
7 ammunition, or firearm accessories issued to or used by law  
8 enforcement officers in the course of their official duties.

9 (2) Subject to IC 34-28-7-2, an employer from regulating or  
10 prohibiting the employees of the employer from carrying firearms  
11 and ammunition in the course of the employee's official duties.

12 (3) A court or administrative law judge from hearing and  
13 resolving any case or controversy or issuing any opinion or order  
14 on a matter within the jurisdiction of the court or judge.

15 (4) The enactment or enforcement of generally applicable zoning  
16 or business ordinances that apply to firearms businesses to the  
17 same degree as other similar businesses. However, a provision of  
18 an ordinance that is designed or enforced to effectively restrict or  
19 prohibit the sale, purchase, transfer, manufacture, or display of  
20 firearms, ammunition, or firearm accessories that is otherwise  
21 lawful under the laws of this state is void. A unit (as defined in  
22 IC 36-1-2-23) may not use the unit's planning and zoning powers  
23 under IC 36-7-4 to prohibit the sale of firearms within a  
24 prescribed distance of any other type of commercial property or  
25 of school property or other educational property.

26 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a  
27 provision prohibiting or restricting the possession of a firearm in  
28 any building that contains the courtroom of a circuit, superior,  
29 city, town, or small claims court. However, if a portion of the  
30 building is occupied by a residential tenant or private business,  
31 any provision restricting or prohibiting the possession of a firearm  
32 does not apply to the portion of the building that is occupied by  
33 the residential tenant or private business, or to common areas of  
34 the building used by a residential tenant or private business.

35 (6) The enactment or enforcement of a provision prohibiting or  
36 restricting the intentional display of a firearm at a public meeting.

37 (7) The enactment or enforcement of a provision prohibiting or  
38 restricting the possession of a firearm in a public hospital  
39 corporation that contains a secure correctional health unit that is  
40 staffed by a law enforcement officer twenty-four (24) hours a day.

41 (8) The imposition of any restriction or condition placed on a  
42 person participating in:



- 1 (A) a community corrections program (IC 11-12-1);  
 2 (B) a forensic diversion program (IC 11-12-3.7); or  
 3 (C) a pretrial diversion program (IC 33-39-1).  
 4 (9) The enforcement or prosecution of the offense of criminal  
 5 recklessness (IC 35-42-2-2) involving the use of a firearm.  
 6 (10) For an event occurring on property leased from a political  
 7 subdivision or municipal corporation by the promoter or organizer  
 8 of the event:  
 9 (A) the establishment, by the promoter or organizer, at the  
 10 promoter's or organizer's own discretion, of rules of conduct or  
 11 admission upon which attendance at or participation in the  
 12 event is conditioned; or  
 13 (B) the implementation or enforcement of the rules of conduct  
 14 or admission described in clause (A) by a political subdivision  
 15 or municipal corporation in connection with the event.  
 16 (11) The enactment or enforcement of a provision prohibiting or  
 17 restricting the possession of a firearm in a hospital established  
 18 and operated under IC 16-22-2 or IC 16-23.  
 19 (12) A unit from using the unit's planning and zoning powers  
 20 under IC 36-7-4 to prohibit the sale of firearms within two  
 21 hundred (200) feet of a school by a person having a business that  
 22 did not sell firearms within two hundred (200) feet of a school  
 23 before April 1, 1994.  
 24 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)  
 25 from enacting or enforcing a provision prohibiting or restricting  
 26 the possession of a firearm in a building owned or administered  
 27 by the unit if:  
 28 (A) metal detection devices are located at each public entrance  
 29 to the building;  
 30 (B) each public entrance to the building is staffed by at least  
 31 one (1) law enforcement officer:  
 32 (i) who has been adequately trained to conduct inspections  
 33 of persons entering the building by use of metal detection  
 34 devices and proper physical pat down searches; and  
 35 (ii) when the building is open to the public; and  
 36 (C) each:  
 37 (i) individual who enters the building through the public  
 38 entrance when the building is open to the public; and  
 39 (ii) bag, package, and other container carried by the  
 40 individual;  
 41 is inspected by a law enforcement officer described in clause  
 42 (B).



1           However, except as provided in subdivision (5) concerning a  
 2           building that contains a courtroom, a unit may not prohibit or  
 3           restrict the possession of a handgun under this subdivision in a  
 4           building owned or administered by the unit if the person who  
 5           possesses the handgun ~~has been issued a valid license to carry the~~  
 6           ~~handgun under IC 35-47-2.~~ **is otherwise legally entitled to**  
 7           **possess the handgun.**

8           SECTION 19. IC 35-47-14-6, AS ADDED BY P.L.1-2006,  
 9           SECTION 537, IS AMENDED TO READ AS FOLLOWS  
 10          [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) In a hearing conducted under  
 11          section 5 of this chapter, the state has the burden of proving all material  
 12          facts by clear and convincing evidence.

13          (b) If the court, in a hearing under section 5 of this chapter,  
 14          determines that the state has proved by clear and convincing evidence  
 15          that the individual is dangerous, the court may order that the law  
 16          enforcement agency having custody of the seized firearm retain the  
 17          firearm. In addition, if the individual has received a **firearms**  
 18          **reciprocity** license ~~to carry a handgun, under IC 35-47-2-3,~~ the court  
 19          shall suspend the individual's **firearms reciprocity** license. ~~to carry a~~  
 20          ~~handgun.~~ If the court determines that the state has failed to prove that  
 21          the individual is dangerous, the court shall order the law enforcement  
 22          agency having custody of the firearm to return the firearm to the  
 23          individual from whom it was seized.

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

28          SECTION 20. IC 35-50-2-13, AS AMENDED BY P.L.84-2015,  
 29          SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30          JULY 1, 2016]: Sec. 13. (a) The state may seek, on a page separate  
 31          from the rest of a charging instrument, to have a person who allegedly  
 32          committed an offense of dealing in a controlled substance under  
 33          IC 35-48-4-1 through IC 35-48-4-4 sentenced to an additional fixed  
 34          term of imprisonment if the state can show beyond a reasonable doubt  
 35          that the person knowingly or intentionally:

- 36               (1) used a firearm; or  
 37               (2) possessed a:  
 38                    (A) ~~handgun in violation of IC 35-47-2-1;~~  
 39                    (B) ~~(A)~~ sawed-off shotgun in violation of federal law; or  
 40                    (C) ~~(B)~~ machine gun in violation of IC 35-47-5-8;  
 41               while committing the offense.

42          (b) If the person was convicted of the offense in a jury trial, the jury



1 shall reconvene to hear evidence in the enhancement hearing. If the  
2 trial was to the court, or the judgment was entered on a guilty plea, the  
3 court alone shall hear evidence in the enhancement hearing.

4 (c) If the jury (if the hearing is by jury) or the court (if the hearing  
5 is to the court alone) finds that the state has proved beyond a  
6 reasonable doubt that the person knowingly or intentionally committed  
7 an offense as described in subsection (a), the court may sentence the  
8 person to an additional fixed term of imprisonment of not more than  
9 five (5) years, except as follows:

10 (1) If the firearm is a sawed-off shotgun, the court may sentence  
11 the person to an additional fixed term of imprisonment of not  
12 more than ten (10) years.

13 (2) If the firearm is a machine gun or is equipped with a firearm  
14 silencer or firearm muffler, the court may sentence the person to  
15 an additional fixed term of imprisonment of not more than twenty  
16 (20) years. The additional sentence under this subdivision is in  
17 addition to any additional sentence imposed under section 11 of  
18 this chapter for use of a firearm in the commission of an offense.

