

HOUSE BILL No. 1107

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2.

Synopsis: Handgun training and reciprocity license. Provides that a person who: (1) is at least 21 years of age; and (2) successfully completes a handgun safety and training course that meets certain requirements; may have the superintendent of state police place an identifying symbol on the face of the person's four year Indiana handgun license that the person may refer to in attempting to qualify for a firearms reciprocity license issued by another state or a political subdivision of another state. Requires the superintendent of state police to retain a copy of the person's handgun safety and training course certificate of completion for at least four years.

Effective: July 1, 2015.

Burton

January 8, 2015, read first time and referred to Committee on Public Policy.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1107



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 35-47-2-3, AS AMENDED BY P.L.158-2013,
2 SECTION 574, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) A person desiring a license
4 to carry a handgun shall apply:
5 (1) to the chief of police or corresponding law enforcement officer
6 of the municipality in which the applicant resides;
7 (2) if that municipality has no such officer, or if the applicant does
8 not reside in a municipality, to the sheriff of the county in which
9 the applicant resides after the applicant has obtained an
10 application form prescribed by the superintendent; or
11 (3) if the applicant is a resident of another state and has a regular
12 place of business or employment in Indiana, to the sheriff of the
13 county in which the applicant has a regular place of business or
14 employment.
15 The superintendent and local law enforcement agencies shall allow an



1 applicant desiring to obtain or renew a license to carry a handgun to
 2 submit an application electronically under this chapter if funds are
 3 available to establish and maintain an electronic application system.

4 (b) The law enforcement agency which accepts an application for a
 5 handgun license shall collect the following application fees:

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

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

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

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

26 (c) The officer to whom the application is made shall ascertain the
 27 applicant's name, full address, length of residence in the community,
 28 whether the applicant's residence is located within the limits of any city
 29 or town, the applicant's occupation, place of business or employment,
 30 criminal record, if any, and convictions (minor traffic offenses
 31 excepted), age, race, sex, nationality, date of birth, citizenship, height,
 32 weight, build, color of hair, color of eyes, scars and marks, whether the
 33 applicant has previously held an Indiana license to carry a handgun
 34 and, if so, the serial number of the license and year issued, whether the
 35 applicant's license has ever been suspended or revoked, and if so, the
 36 year and reason for the suspension or revocation, and the applicant's
 37 reason for desiring a license. **If the applicant:**

38 **(1) is at least twenty-one (21) years of age; and**

39 **(2) wishes to have an identifying symbol placed on the face of**
 40 **the applicant's four (4) year handgun license that indicates the**
 41 **applicant has successfully completed a handgun safety and**
 42 **training course described in section 4.5 of this chapter;**



1 **the applicant also must submit a copy of the certificate of**
 2 **completion described in section 4.5(c)(5) of this chapter to the**
 3 **officer to whom the application for the four (4) year license is**
 4 **made.** The officer to whom the application is made shall conduct an
 5 investigation into the applicant's official records and verify thereby the
 6 applicant's character and reputation, and shall in addition verify for
 7 accuracy the information contained in the application, and shall
 8 forward this information together with the officer's recommendation for
 9 approval or disapproval and one (1) set of legible and classifiable
 10 fingerprints of the applicant to the superintendent.

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

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

18 (1) has a proper reason for carrying a handgun;

19 (2) is of good character and reputation;

20 (3) is a proper person to be licensed; and

21 (4) is:

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

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

25 the superintendent shall issue to the applicant a qualified or an
 26 unlimited license to carry any handgun lawfully possessed by the
 27 applicant. **If the applicant for a four (4) year handgun license has**
 28 **submitted a certificate of completion described in section 4.5(c)(5)**
 29 **of this chapter and the superintendent is satisfied the applicant is**
 30 **at least twenty-one (21) years of age and has met the requirements**
 31 **of section 4.5 of this chapter, the superintendent shall cause an**
 32 **identifying symbol to be placed on the face of the applicant's four**
 33 **(4) year license that indicates the applicant has successfully**
 34 **completed a handgun safety and training course and shall retain a**
 35 **copy of the certificate of completion for at least four (4) years.** The
 36 original license shall be delivered to the licensee. A copy shall be
 37 delivered to the officer to whom the application for license was made.
 38 A copy shall be retained by the superintendent for at least four (4) years
 39 in the case of a four (4) year license. The superintendent may adopt
 40 guidelines to establish a records retention policy for a lifetime license.
 41 A four (4) year license shall be valid for a period of four (4) years from
 42 the date of issue. A lifetime license is valid for the life of the individual



1 receiving the license. The license of police officers, sheriffs or their
 2 deputies, and law enforcement officers of the United States government
 3 who have been honorably retired by a lawfully created pension board
 4 or its equivalent after twenty (20) or more years of service shall be
 5 valid for the life of these individuals. However, a lifetime license is
 6 automatically revoked if the license holder does not remain a proper
 7 person.

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

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

13 (2) is:

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

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

18 (C) approved by the superintendent.

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

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

27 (1) has been convicted of a felony;

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

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

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

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

41 In the case of an arrest under subdivision (5), a license to carry a
 42 handgun may be issued to a person who has been acquitted of the



1 specific offense charged or if the charges for the specific offense are
 2 dismissed. The superintendent shall prescribe all forms to be used in
 3 connection with the administration of this chapter.

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

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

10 (1) changes the person's name;

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

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

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

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

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

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

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

35 (A) obtain; or

36 (B) renew;

37 a license to carry a handgun.

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

41 (A) obtain; or

42 (B) renew;



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

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

5 (m) Notwithstanding subsection (l):

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

9 (A) for law enforcement purposes; ~~or~~

10 (B) to determine the validity of a license to carry a handgun;

11 **or**

12 **(C) to establish that a person who holds a license has**
13 **successfully completed a handgun safety and training**
14 **course described in section 4.5 of this chapter; and**

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

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

23 SECTION 2. IC 35-47-2-4.5 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2015]: **Sec. 4.5. (a) This section does not apply to a person**
26 **applying for a lifetime handgun license.**

27 **(b) If a person is at least twenty-one (21) years of age and wishes**
28 **to have the superintendent:**

29 **(1) place an identifying symbol on the face of the person's four**

30 **(4) year handgun license that:**

31 **(A) indicates the person has successfully completed a**
32 **handgun safety and training course under this section; and**

33 **(B) the person may refer to in attempting to qualify for a**
34 **firearms reciprocity license issued by another state or a**
35 **political subdivision of another state; and**

36 **(2) retain a copy of the person's handgun safety and training**
37 **course certificate of completion described in subsection (a)(5);**
38 **the person must successfully complete a handgun safety and**
39 **training course described in subsection (c) at least one (1) time**
40 **every four (4) years.**

41 **(c) A handgun safety and training course described in**
42 **subsection (b) must meet the following requirements:**



- 1 (1) The course must consist of at least eight (8) hours of
 2 instruction.
 3 (2) The:
 4 (A) course must be certified by a national or state firearms
 5 training organization; and
 6 (B) instructor must be certified by a national or state
 7 firearms training organization as qualified to teach an
 8 eight (8) hour handgun safety and training course.
 9 (3) The course must provide at least five (5) hours of
 10 instruction in the following:
 11 (A) The safe storage, use, and handling of a handgun,
 12 including safe storage, use, and handling to protect child
 13 safety.
 14 (B) Knowledge of ammunition.
 15 (C) Handgun firing positions.
 16 (D) Firearms and the law, including civil liability issues
 17 and the use of deadly force. The instruction in the subject
 18 described in this clause must be provided by an attorney or
 19 a person trained in the use of deadly force.
 20 (E) Avoiding criminal attack and controlling a violent
 21 confrontation.
 22 (F) All laws that apply to carrying a handgun in Indiana.
 23 (4) The course must:
 24 (A) provide at least three (3) hours of instruction on a
 25 firing range; and
 26 (B) require the firing of at least forty-five (45) rounds of
 27 ammunition.
 28 (5) The course must provide to a person who successfully
 29 completes the course a certificate of completion stating that:
 30 (A) the course complies with this section; and
 31 (B) the person has successfully completed the course.
 32 The certificate must contain the printed name and signature
 33 of the instructor who instructed the person.
 34 (d) Notwithstanding subsection (b), the first time a person
 35 submits to a law enforcement officer under section 3(c) of this
 36 chapter:
 37 (1) an application to obtain a new handgun license or renew
 38 an existing handgun license; and
 39 (2) a certificate of completion described in subsection (c)(5);
 40 the person must have successfully completed a handgun safety and
 41 training course under this section not more than one (1) year
 42 before the date the person submits the application and certificate



1 **to the officer.**
2 **(e) A person who grants a certificate of completion described in**
3 **subsection (c)(5) to an individual knowing that the individual did**
4 **not satisfactorily complete the handgun safety and training course**
5 **under this section commits a Level 6 felony.**

