

SENATE BILL No. 237

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2.

Synopsis: Handgun licensing. Increases the duration of a four year handgun license to five years. Requires a law enforcement officer to whom an application for a handgun license is made to determine the applicant's: (1) country of citizenship; (2) place of birth; and (3) alien or admission number issued by United States Immigration and Customs Enforcement or any successor agency as applicable; when evaluating a noncitizen's application for a handgun 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.

Effective: July 1, 2018.

Bray

January 3, 2018, read first time and referred to Committee on Judiciary.



Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 237

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 THE TECHNICAL
2 CORRECTIONS BILL OF THE 2018 GENERAL ASSEMBLY, IS
3 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:
4 Sec. 3. (a) A person desiring a license 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
16 applicant desiring to obtain or renew a license to carry a handgun to
17 submit an application electronically under this chapter if funds are



1 available to establish and maintain an electronic application system.

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

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

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

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

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

24 (c) The officer to whom the application is made shall ascertain the
25 applicant's name, full address, length of residence in the community,
26 whether the applicant's residence is located within the limits of any city
27 or town, the applicant's occupation, place of business or employment,
28 criminal record, if any, and convictions (minor traffic offenses
29 excepted), age, race, sex, nationality, date of birth, citizenship, height,
30 weight, build, color of hair, color of eyes, scars and marks, whether the
31 applicant has previously held an Indiana license to carry a handgun
32 and, if so, the serial number of the license and year issued, whether the
33 applicant's license has ever been suspended or revoked, and if so, the
34 year and reason for the suspension or revocation, and the applicant's
35 reason for desiring a license. **If the applicant is not a United States
36 citizen, the officer to whom the application is made shall ascertain
37 the applicant's country of citizenship, place of birth, and any alien
38 or admission number issued by United States Immigration and
39 Customs Enforcement or any successor agency as applicable.** The
40 officer to whom the application is made shall conduct an investigation
41 into the applicant's official records and verify thereby the applicant's
42 character and reputation, and shall in addition verify for accuracy the



1 information contained in the application, and shall forward this
 2 information together with the officer's recommendation for approval or
 3 disapproval and one (1) set of legible and classifiable fingerprints of
 4 the applicant to the superintendent. **An investigation conducted under
 5 this section must include consulting available local, state, and
 6 federal criminal history data banks, including the National Instant
 7 Criminal Background Check System (NICS), to determine whether
 8 possession of a firearm by an applicant would be a violation of
 9 state or federal law.**

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

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

- 17 (1) has a proper reason for carrying a handgun;
- 18 (2) is of good character and reputation;
- 19 (3) is a proper person to be licensed; and
- 20 (4) is:

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

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

24 the superintendent shall issue to the applicant a qualified or an
 25 unlimited license to carry any handgun lawfully possessed by the
 26 applicant. The original license shall be delivered to the licensee. A
 27 copy shall be delivered to the officer to whom the application for
 28 license was made. A copy shall be retained by the superintendent for
 29 at least four (4) years in the case of a ~~four (4)~~ **five (5)** year license. The
 30 superintendent may adopt guidelines to establish a records retention
 31 policy for a lifetime license. A ~~four (4)~~ **five (5)** year license shall be
 32 valid for a period of ~~four (4)~~ **five (5)** years from the date of issue. A
 33 lifetime license is valid for the life of the individual receiving the
 34 license. The license of police officers, sheriffs or their deputies, and
 35 law enforcement officers of the United States government who have
 36 *been honorably retired by a lawfully created pension board or its*
 37 *equivalent after* twenty (20) or more years of service shall be valid for
 38 the life of these individuals. However, a lifetime license is
 39 automatically revoked if the license holder does not remain a proper
 40 person.

41 (f) At the time a license is issued and delivered to a licensee under
 42 subsection (e), the superintendent shall include with the license



1 information concerning handgun safety rules that:

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

4 (2) is:

5 (A) recommended by a nonprofit educational organization that
6 is dedicated to providing education on safe handling and use
7 of firearms;

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

9 (C) approved by the superintendent.

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

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

18 (1) has been convicted of a felony;

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

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

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

25 (5) has been arrested for a Class A or Class B felony for an
26 offense committed before July 1, 2014, for a Level 1, Level 2,
27 Level 3, or Level 4 felony for an offense committed after June 30,
28 2014, or any other felony that was committed while armed with
29 a deadly weapon or that involved the use of violence, if a court
30 has found probable cause to believe that the person committed the
31 offense charged; **or**

32 **(6) is prohibited by federal law from possessing or receiving**
33 **firearms under 18 U.S.C. 922(g) through 18 U.S.C. 922(n).**

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

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



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

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

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

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

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

18 (1) implement an electronic application system under subsection
19 (a); *and*

20 (2) expedite the processing of an application made by a person
21 described in ~~IC 35-47-2-2.1(b)~~. **section 2.1(b) of this chapter.**

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

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

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

31 (A) obtain; or

32 (B) renew;

33 a license to carry a handgun.

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

37 (A) obtain; or

38 (B) renew;

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

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



1 (m) Notwithstanding subsection (l):

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

5 (A) for law enforcement purposes; or

6 (B) to determine the validity of a license to carry a handgun;
7 and

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

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

16 SECTION 2. IC 35-47-2-4, AS AMENDED BY P.L.17-2017,
17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2018]: Sec. 4. (a) Licenses to carry handguns shall be either
19 qualified or unlimited, and are valid for:

20 (1) ~~four (4)~~ **five (5)** years from the date of issue in the case of a
21 ~~four (4)~~ **five (5)** year license; or

22 (2) the life of the individual receiving the license in the case of a
23 lifetime license.

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

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

30 (1) a qualified license shall be:

31 (A) five dollars (\$5) for a ~~four (4)~~ **five (5)** year qualified
32 license;

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

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

39 (2) an unlimited license shall be:

40 (A) thirty dollars (\$30) for a ~~four (4)~~ **five (5)** year unlimited
41 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 The superintendent shall charge a twenty dollar (\$20) fee for the
 7 issuance of a duplicate license to replace a lost or damaged license.
 8 These fees shall be deposited in accordance with subsection (f).
- 9 (c) Licensed dealers are exempt from the payment of fees specified
 10 in subsection (b) for a qualified license or an unlimited license.
- 11 (d) The following officers of this state or the United States who have
 12 been honorably retired by a lawfully created pension board or its
 13 equivalent after at least twenty (20) years of service or because of a
 14 disability are exempt from the payment of fees specified in subsection
 15 (b):
- 16 (1) Police officers.
 - 17 (2) Sheriffs or their deputies.
 - 18 (3) Law enforcement officers.
 - 19 (4) Correctional officers.
- 20 (e) The following officers described in section 3(e) of this chapter
 21 who have at least twenty (20) years of service are exempt from the
 22 payment of fees for a lifetime qualified license or a lifetime unlimited
 23 license specified in subsection (b):
- 24 (1) Police officers.
 - 25 (2) Sheriffs or their deputies.
 - 26 (3) Law enforcement officers of the United States government.
- 27 (f) Fees collected under this section shall be deposited in the state
 28 general fund.
- 29 (g) The superintendent may not issue a lifetime qualified license or
 30 a lifetime unlimited license to a person who is a resident of another
 31 state. The superintendent may issue a ~~four (4)~~ **five (5)** year qualified
 32 license or a ~~four (4)~~ **five (5)** year unlimited license to a person who is
 33 a resident of another state and who has a regular place of business or
 34 employment in Indiana as described in section 3(a)(3) of this chapter.
- 35 (h) A person who knowingly or intentionally violates this section
 36 commits a Class B misdemeanor.
- 37 **(i) If the Bureau of Alcohol, Tobacco, Firearms and Explosives**
 38 **certifies the license described under this section as a valid National**
 39 **Instant Criminal Background Check System (NICS) compliant**
 40 **background check for firearm purchases, a:**
- 41 **(1) license issued under this section must conspicuously**
 42 **display the term "NICS Exempt"; and**



1 **(2) person bearing a valid license described in subdivision (1)**
2 **is exempt from undergoing a:**
3 **(A) state; or**
4 **(B) federal;**
5 **background check when purchasing a firearm.**

