



February 1, 2019

SENATE BILL No. 119

DIGEST OF SB 119 (Updated January 30, 2019 10:50 am - DI 128)

Citations Affected: IC 35-47.

Synopsis: Prohibited firearm transfers to minors. Provides that a person may not sell, give, or in any other manner transfer ownership or possession of a machine gun to any person under 18 years of age. Provides that a person who knowingly or intentionally sells, provides, or in any other manner transfers ownership or possession of a machine gun to a person under 18 years of age commits a: (1) Level 5 felony; (2) Level 4 felony if the person has a prior conviction for the offense; or (3) Level 3 felony if a person under 18 years of age uses the machine gun to commit murder. Defines certain terms. Makes conforming amendments.

Effective: July 1, 2019.

**Tomes, Sandlin, Doriot, Garten,
Freeman, Randolph Lonnie M**

January 3, 2019, read first time and referred to Committee on Judiciary.
January 31, 2019, amended, reported favorably — Do Pass.

SB 119—LS 6280/DI 123



February 1, 2019

First Regular Session of the 121st General Assembly (2019)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 119

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 35-47-2-7, AS AMENDED BY P.L.152-2014,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 7. **(a) As used in this section, "machine gun"**
4 **means any weapon that shoots, is designed to shoot, or can be**
5 **readily restored to shoot automatically more than one (1) shot,**
6 **without manual reloading, by a single function of the trigger. The**
7 **term includes the frame or receiver of any such weapon, any part**
8 **designed and intended solely and exclusively, or a combination of**
9 **parts designed and intended, for use in converting a weapon into**
10 **a machine gun, and any combination of parts from which a**
11 **machine gun can be assembled if such parts are in the possession**
12 **or under the control of a person.**

13 **(a) (b)** Except an individual acting within a parent-minor child or
14 guardian-minor protected person relationship or any other individual
15 who is also acting in compliance with IC 35-47-10 (governing children
16 and firearms) **and federal law**, a person may not sell, give, or in any
17 other manner transfer the ownership or possession of:

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- 1 (1) a handgun ~~or assault weapon~~ to any person under eighteen
 2 (18) years of age; **or**
 3 **(2) a machine gun to any person under twenty-one (21) years**
 4 **of age.**
- 5 **A person who knowingly or intentionally sells, gives, or in any**
 6 **other manner transfers ownership or possession of a machine gun**
 7 **to a person under twenty-one (21) years of age commits a Level 5**
 8 **felony. However, the offense is a Level 4 felony if the person who**
 9 **sells, gives, or transfers ownership of the machine gun has a prior**
 10 **conviction under this section, and a Level 3 felony if a person**
 11 **under twenty-one (21) years of age uses the machine gun to commit**
 12 **murder (IC 35-42-1-1).**
- 13 ~~(b)~~ **(c)** A person who knowingly or intentionally sells, gives, or in
 14 any other manner transfers the ownership or possession of a handgun
 15 to another person who the person knows:
- 16 (1) is ineligible for any reason other than the person's age to
 17 purchase or otherwise receive from a dealer a handgun; or
 18 (2) intends to use the handgun to commit a crime;
- 19 commits criminal transfer of a handgun, a Level 5 felony. However, the
 20 offense is a Level 3 felony if the other person uses the handgun to
 21 commit murder (IC 35-42-1-1).
- 22 ~~(c)~~ **(d)** A person who purchases a handgun with the intent to:
- 23 (1) resell or otherwise provide the handgun to another person who
 24 the person knows is ineligible for any reason to purchase or
 25 otherwise receive from a dealer a handgun;
 26 (2) resell or otherwise provide the handgun to another person who
 27 the person knows intends to use the handgun to commit a crime;
 28 or
 29 (3) transport the handgun outside Indiana to be resold or
 30 otherwise provided to another person who the transferor knows:
- 31 (A) is ineligible to purchase or otherwise receive a handgun;
 32 or
 33 (B) intends to use the handgun to commit a crime;
- 34 commits the straw purchase of a handgun, a Level 5 felony. However,
 35 the offense is a Level 3 felony if the other person uses the handgun to
 36 commit murder (IC 35-42-1-1).
- 37 ~~(d)~~ **(e)** As used in this subsection, "NICS" has the meaning set forth
 38 in IC 35-47-2.5-2.5. It is a defense to a prosecution under subsection
 39 ~~(b)(1)~~ **(c)(1)** that:
- 40 (1) the accused person contacted NICS (or had a dealer contact
 41 NICS on the person's behalf) to request a background check on
 42 the other person before the accused person sold, gave, or in any



1 other manner transferred the ownership or possession of the
2 handgun to the other person; and
3 (2) the accused person (or dealer acting on the person's behalf)
4 received authorization from NICS to sell, give, or in any other
5 manner transfer ownership or possession of the handgun to the
6 other person.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 119, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 13 through 17, begin a new paragraph and insert:

"~~(a)~~ **(b)** Except an individual acting within a parent-minor child or guardian-minor protected person relationship or any other individual who is also acting in compliance with IC 35-47-10 (governing children and firearms) **and federal law**, a person may not sell, give, or in any other manner transfer the ownership or possession of:

(1) a handgun ~~or assault weapon~~ to any person under eighteen (18) years of age; or

(2) a machine gun to any person under twenty-one (21) years of age.

A person who knowingly or intentionally sells, gives, or in any other manner transfers ownership or possession of a machine gun to a person under twenty-one (21) years of age commits a Level 5 felony. However, the offense is a Level 4 felony if the person who sells, gives, or transfers ownership of the machine gun has a prior conviction under this section, and a Level 3 felony if a person under twenty-one (21) years of age uses the machine gun to commit murder (IC 35-42-1-1)."

Page 2, delete lines 1 through 11.

and when so amended that said bill do pass.

(Reference is to SB 119 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 10, Nays 1.

