

HOUSE BILL No. 1289

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-3-10; IC 5-2-1-9; IC 11-13-1-3.5; IC 14-16-1-23; IC 31-30-1-4; IC 35-33-1-1; IC 35-47.

Synopsis: Constitutional carry of handguns. Repeals the law that requires a person to obtain a license to carry a handgun in Indiana. Provides that a nonresident of Indiana may carry a handgun in Indiana without possessing a license or permit to carry a handgun from the person's state of residence. Allows a member of the: (1) general assembly; (2) general assembly's professional staff; or (3) lobby registration commission; to possess a handgun on the Indiana government center campus if the person is not otherwise prohibited from possessing a firearm. Allows a person who wishes to carry a handgun in another state under a reciprocity agreement entered into by Indiana and the other state to obtain a license to carry a handgun. Beginning July 1, 2021, permits a person not otherwise prohibited from possessing a firearm under state or federal law to possess a firearm on any property that is: (1) affiliated with; (2) operated or managed by; (3) owned by; or (4) leased by; the department of natural resources. Defines certain terms. Makes conforming amendments.

Effective: Upon passage.

Jacob, Nisly, Payne, Jeter

January 14, 2021, read first time and referred to Committee on Public Policy.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1289



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 2-3-10-1, AS ADDED BY P.L.181-2017,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 1. The following definitions apply throughout
4 this chapter:
5 (1) "Governing authority" means:
6 (A) the speaker of the house of representatives, with respect to
7 employees of the house of representatives;
8 (B) the president pro tempore of the senate, with respect to
9 employees of the senate;
10 (C) the legislative council, with respect to employees of the
11 legislative services agency; or
12 (D) the Indiana lobby registration commission established
13 under IC 2-7-1.6-1, with respect to employees of the Indiana
14 lobby registration commission.
15 (2) "Indiana government center campus" means the
16 following:
17 (A) The state capitol building.



- 1 **(B) The Indiana government center-north.**
 2 **(C) The Indiana government center-south.**
 3 **(D) The state library.**
 4 **(E) The Washington Street parking garage.**
 5 **(F) The Senate Avenue parking garage.**
 6 **(G) The Indiana government parking surface lot.**
 7 **(H) The Indiana historical society building and parking lot.**
 8 **(I) The land adjacent to the buildings described in clauses**
 9 **(A) through (H) if owned and controlled by the state.**
 10 (2) **(3)** "Professional staff of the general assembly" means a
 11 permanent employee of the house of representatives, senate,
 12 Indiana lobby registration commission, or legislative services
 13 agency whose primary function is:
 14 (A) assisting members of the general assembly in
 15 communicating with constituents and responding to
 16 constituent concerns;
 17 (B) advising members of the general assembly concerning the
 18 preparation, analysis, fiscal impact, and policy implications of
 19 proposed legislation;
 20 (C) preparing, printing, distributing, editing, or revising
 21 proposed legislation and amendments to proposed legislation;
 22 (D) performing administrative and clerical functions necessary
 23 to the operation of the general assembly, including providing
 24 travel and payroll services;
 25 (E) providing technology support to the general assembly or an
 26 employee of the general assembly; or
 27 (F) carrying out the duties of the Indiana lobby registration
 28 commission.
 29 The term includes officers of the house of representatives and of
 30 the senate, and any person whose primary function is to supervise
 31 a person described in clauses (A) through (E).
 32 SECTION 2. IC 2-3-10-2, AS ADDED BY P.L.181-2017,
 33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 2. A member of the general assembly who
 35 (1) ~~possesses a valid Indiana license to carry a handgun; and~~
 36 (2) is otherwise permitted to possess a handgun
 37 has the right to carry a handgun within the state capitol building and on
 38 the property of the ~~state capitol complex.~~ **Indiana government center**
 39 **campus.**
 40 SECTION 3. IC 2-3-10-3, AS ADDED BY P.L.181-2017,
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 3. (a) Subject to governing authority rules and



1 policies concerning personnel practices, a member of the professional
2 staff of the general assembly who

3 ~~(1) possesses a valid Indiana license to carry a handgun; and~~

4 ~~(2) is otherwise permitted to possess a handgun~~

5 has the right to carry a handgun within the state capitol building and on
6 the property of the ~~state capitol complex~~. **Indiana government center**
7 **campus.**

8 (b) A member of the Indiana lobby registration commission
9 established under IC 2-7-1.6-1 who

10 ~~(1) possesses a valid Indiana license to carry a handgun; and~~

11 ~~(2) is otherwise permitted to possess a handgun~~

12 has the right to carry a handgun within the state capitol building and on
13 the property of the ~~state capitol complex~~. **Indiana government center**
14 **campus.**

15 SECTION 4. IC 5-2-1-9, AS AMENDED BY P.L.86-2018,
16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 9. (a) The board shall adopt in accordance
18 with IC 4-22-2 all necessary rules to carry out the provisions of this
19 chapter. The rules, which shall be adopted only after necessary and
20 proper investigation and inquiry by the board, shall include the
21 establishment of the following:

22 (1) Minimum standards of physical, educational, mental, and
23 moral fitness which shall govern the acceptance of any person for
24 training by any law enforcement training school or academy
25 meeting or exceeding the minimum standards established
26 pursuant to this chapter.

27 (2) Minimum standards for law enforcement training schools
28 administered by towns, cities, counties, law enforcement training
29 centers, agencies, or departments of the state.

30 (3) Minimum standards for courses of study, attendance
31 requirements, equipment, and facilities for approved town, city,
32 county, and state law enforcement officer, police reserve officer,
33 and conservation reserve officer training schools.

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



- 1 (5) Minimum qualifications for instructors at approved law
 2 enforcement training schools.
- 3 (6) Minimum basic training requirements which law enforcement
 4 officers appointed to probationary terms shall complete before
 5 being eligible for continued or permanent employment.
- 6 (7) Minimum basic training requirements which law enforcement
 7 officers appointed on other than a permanent basis shall complete
 8 in order to be eligible for continued employment or permanent
 9 appointment.
- 10 (8) Minimum basic training requirements which law enforcement
 11 officers appointed on a permanent basis shall complete in order
 12 to be eligible for continued employment.
- 13 (9) Minimum basic training requirements for each person
 14 accepted for training at a law enforcement training school or
 15 academy that include six (6) hours of training in interacting with:
 16 (A) persons with autism, mental illness, addictive disorders,
 17 intellectual disabilities, and developmental disabilities;
 18 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
 19 and
 20 (C) persons with Alzheimer's disease or related senile
 21 dementia;
- 22 to be provided by persons approved by the secretary of family and
 23 social services and the board. The training must include an
 24 overview of the crisis intervention teams.
- 25 (10) Minimum standards for a course of study on human and
 26 sexual trafficking that must be required for each person accepted
 27 for training at a law enforcement training school or academy and
 28 for inservice training programs for law enforcement officers. The
 29 course must cover the following topics:
 30 (A) Examination of the human and sexual trafficking laws (IC
 31 35-42-3.5).
 32 (B) Identification of human and sexual trafficking.
 33 (C) Communicating with traumatized persons.
 34 (D) Therapeutically appropriate investigative techniques.
 35 (E) Collaboration with federal law enforcement officials.
 36 (F) Rights of and protections afforded to victims.
 37 (G) Providing documentation that satisfies the Declaration of
 38 Law Enforcement Officer for Victim of Trafficking in Persons
 39 (Form I-914, Supplement B) requirements established under
 40 federal law.
 41 (H) The availability of community resources to assist human
 42 and sexual trafficking victims.



1 (b) A law enforcement officer appointed after July 5, 1972, and
 2 before July 1, 1993, may not enforce the laws or ordinances of the state
 3 or any political subdivision unless the officer has, within one (1) year
 4 from the date of appointment, successfully completed the minimum
 5 basic training requirements established under this chapter by the board.
 6 If a person fails to successfully complete the basic training
 7 requirements within one (1) year from the date of employment, the
 8 officer may not perform any of the duties of a law enforcement officer
 9 involving control or direction of members of the public or exercising
 10 the power of arrest until the officer has successfully completed the
 11 training requirements. This subsection does not apply to any law
 12 enforcement officer appointed before July 6, 1972, or after June 30,
 13 1993.

14 (c) Military leave or other authorized leave of absence from law
 15 enforcement duty during the first year of employment after July 6,
 16 1972, shall toll the running of the first year, which shall be calculated
 17 by the aggregate of the time before and after the leave, for the purposes
 18 of this chapter.

19 (d) Except as provided in subsections (e), (m), (t), and (u), a law
 20 enforcement officer appointed to a law enforcement department or
 21 agency after June 30, 1993, may not:

- 22 (1) make an arrest;
- 23 (2) conduct a search or a seizure of a person or property; or
- 24 (3) carry a firearm;

25 unless the law enforcement officer successfully completes, at a board
 26 certified law enforcement academy or at a law enforcement training
 27 center under section 10.5 or 15.2 of this chapter, the basic training
 28 requirements established by the board under this chapter.

29 (e) This subsection does not apply to:

- 30 (1) a gaming agent employed as a law enforcement officer by the
 31 Indiana gaming commission; or
- 32 (2) an:
 - 33 (A) attorney; or
 - 34 (B) investigator;

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

37 Before a law enforcement officer appointed after June 30, 1993,
 38 completes the basic training requirements, the law enforcement officer
 39 may exercise the police powers described in subsection (d) if the
 40 officer successfully completes the pre-basic course established in
 41 subsection (f). Successful completion of the pre-basic course authorizes
 42 a law enforcement officer to exercise the police powers described in



1 subsection (d) for one (1) year after the date the law enforcement
2 officer is appointed.

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

5 (1) law enforcement officers;

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

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

8 regarding the subjects of arrest, search and seizure, the lawful use of
9 force, interacting with individuals with autism, and the operation of an
10 emergency vehicle. The pre-basic course must be offered on a periodic
11 basis throughout the year at regional sites statewide. The pre-basic
12 course must consist of at least forty (40) hours of course work. The
13 board may prepare the classroom part of the pre-basic course using
14 available technology in conjunction with live instruction. The board
15 shall provide the course material, the instructors, and the facilities at
16 the regional sites throughout the state that are used for the pre-basic
17 course. In addition, the board may certify pre-basic courses that may be
18 conducted by other public or private training entities, including
19 postsecondary educational institutions.

20 (g) Subject to subsection (h), the board shall adopt rules under
21 IC 4-22-2 to establish a mandatory inservice training program for
22 police officers and police reserve officers (as described in
23 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
24 satisfactorily completed basic training and has been appointed to a law
25 enforcement department or agency on either a full-time or part-time
26 basis is not eligible for continued employment unless the officer
27 satisfactorily completes the mandatory inservice training requirements
28 established by rules adopted by the board. Inservice training must
29 include training in interacting with persons with mental illness,
30 addictive disorders, intellectual disabilities, autism, developmental
31 disabilities, and Alzheimer's disease or related senile dementia, to be
32 provided by persons approved by the secretary of family and social
33 services and the board, and training concerning human and sexual
34 trafficking and high risk missing persons (as defined in IC 5-2-17-1).
35 The board may approve courses offered by other public or private
36 training entities, including postsecondary educational institutions, as
37 necessary in order to ensure the availability of an adequate number of
38 inservice training programs. The board may waive an officer's inservice
39 training requirements if the board determines that the officer's reason
40 for lacking the required amount of inservice training hours is due to
41 either an emergency situation or the unavailability of courses.

42 (h) This subsection applies only to a mandatory inservice training



1 program under subsection (g). Notwithstanding subsection (g), the
 2 board may, without adopting rules under IC 4-22-2, modify the course
 3 work of a training subject matter, modify the number of hours of
 4 training required within a particular subject matter, or add a new
 5 subject matter, if the board satisfies the following requirements:

6 (1) The board must conduct at least two (2) public meetings on
 7 the proposed modification or addition.

8 (2) After approving the modification or addition at a public
 9 meeting, the board must post notice of the modification or
 10 addition on the Indiana law enforcement academy's Internet web
 11 site at least thirty (30) days before the modification or addition
 12 takes effect.

13 If the board does not satisfy the requirements of this subsection, the
 14 modification or addition is void. This subsection does not authorize the
 15 board to eliminate any inservice training subject matter required under
 16 subsection (g).

17 (i) The board shall also adopt rules establishing a town marshal
 18 basic training program, subject to the following:

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

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

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

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

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

35 (6) The program must require training in interacting with
 36 individuals with autism.

37 (j) The board shall adopt rules under IC 4-22-2 to establish an
 38 executive training program. The executive training program must
 39 include training in the following areas:

40 (1) Liability.

41 (2) Media relations.

42 (3) Accounting and administration.



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



- 1 (B) less than six (6) years before the officer is hired under
 2 subdivision (1); and
 3 (3) completed at any time a basic training course certified or
 4 recognized by the board before the officer is hired under
 5 subdivision (1).
- 6 (p) An officer to whom subsection (o) applies must successfully
 7 complete the refresher course described in subsection (o) not later than
 8 six (6) months after the officer's date of hire, or the officer loses the
 9 officer's powers of:
 10 (1) arrest;
 11 (2) search; and
 12 (3) seizure.
- 13 (q) The board shall adopt rules under IC 4-22-2 to establish a
 14 refresher course for an officer who:
 15 (1) is appointed by an Indiana law enforcement department or
 16 agency as a reserve police officer; and
 17 (2) has not worked as a reserve police officer for at least two (2)
 18 years after:
 19 (A) completing the pre-basic course; or
 20 (B) leaving the individual's last appointment as a reserve
 21 police officer.
- 22 An officer to whom this subsection applies must successfully complete
 23 the refresher course established by the board in order to work as a
 24 reserve police officer.
- 25 (r) This subsection applies to an individual who, at the time the
 26 individual completes a board certified or recognized basic training
 27 course, has not been appointed as a law enforcement officer by an
 28 Indiana law enforcement department or agency. If the individual is not
 29 employed as a law enforcement officer for at least two (2) years after
 30 completing the basic training course, the individual must successfully
 31 retake and complete the basic training course as set forth in subsection
 32 (d).
- 33 (s) The board shall adopt rules under IC 4-22-2 to establish a
 34 refresher course for an individual who:
 35 (1) is appointed as a board certified instructor of law enforcement
 36 training; and
 37 (2) has not provided law enforcement training instruction for
 38 more than one (1) year after the date the individual's instructor
 39 certification expired.
- 40 An individual to whom this subsection applies must successfully
 41 complete the refresher course established by the board in order to
 42 renew the individual's instructor certification.



1 (t) This subsection applies only to a gaming agent employed as a
 2 law enforcement officer by the Indiana gaming commission. A gaming
 3 agent appointed after June 30, 2005, may exercise the police powers
 4 described in subsection (d) if:

5 (1) the agent successfully completes the pre-basic course
 6 established in subsection (f); and

7 (2) the agent successfully completes any other training courses
 8 established by the Indiana gaming commission in conjunction
 9 with the board.

10 (u) This subsection applies only to a securities enforcement officer
 11 designated as a law enforcement officer by the securities
 12 commissioner. A securities enforcement officer may exercise the police
 13 powers described in subsection (d) if:

14 (1) the securities enforcement officer successfully completes the
 15 pre-basic course established in subsection (f); and

16 (2) the securities enforcement officer successfully completes any
 17 other training courses established by the securities commissioner
 18 in conjunction with the board.

19 (v) As used in this section, "upper level policymaking position"
 20 refers to the following:

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

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

27 (A) the position held by the police chief or town marshal; and

28 (B) each position held by the members of the police
 29 department or town marshal system in the next rank and pay
 30 grade immediately below the police chief or town marshal.

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

33 (A) the position held by the police chief or town marshal; and

34 (B) each position held by the members of the police
 35 department or town marshal system in the next two (2) ranks
 36 and pay grades immediately below the police chief or town
 37 marshal.

38 (w) This subsection applies only to a correctional police officer
 39 employed by the department of correction. A correctional police officer
 40 may exercise the police powers described in subsection (d) if:

41 (1) the officer successfully completes the pre-basic course
 42 described in subsection (f); and



- 1 (2) the officer successfully completes any other training courses
- 2 established by the department of correction in conjunction with
- 3 the board.
- 4 SECTION 5. IC 11-13-1-3.5, AS AMENDED BY P.L.4-2017,
- 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 UPON PASSAGE]: Sec. 3.5. A probation officer may not carry a
- 7 handgun ~~as described in IC 35-47-2-1~~ **in any vehicle or on or about**
- 8 **the probation officer's body** while acting in the scope of employment
- 9 as a probation officer unless all of the following conditions are met:
- 10 (1) The appointing court enters an order authorizing the probation
- 11 officer to carry the handgun while on duty.
- 12 ~~(2) The probation officer is issued a license to carry the handgun~~
- 13 ~~under IC 35-47-2.~~
- 14 ~~(3)~~ **(2)** The probation officer successfully completes a handgun
- 15 safety course certified by the law enforcement training board
- 16 under IC 5-2-1-9(n).
- 17 SECTION 6. IC 14-16-1-23, AS AMENDED BY P.L.35-2011,
- 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 UPON PASSAGE]: Sec. 23. (a) An individual shall not operate a
- 20 vehicle under any of the following conditions:
- 21 (1) At a rate of speed greater than is reasonable and proper having
- 22 due regard for existing conditions or in a manner that
- 23 unnecessarily endangers the person or property of another.
- 24 (2) While:
- 25 (A) under the influence of an alcoholic beverage; or
- 26 (B) unlawfully under the influence of a narcotic or other habit
- 27 forming or dangerous depressant or stimulant drug.
- 28 (3) During the hours from thirty (30) minutes after sunset to thirty
- 29 (30) minutes before sunrise without displaying a lighted headlight
- 30 and a lighted taillight.
- 31 (4) In a forest nursery, a planting area, or public land posted or
- 32 reasonably identified as an area of forest or plant reproduction
- 33 and when growing stock may be damaged.
- 34 (5) On the frozen surface of public waters within:
- 35 (A) one hundred (100) feet of an individual not in or upon a
- 36 vehicle; or
- 37 (B) one hundred (100) feet of a fishing shanty or shelter;
- 38 except at a speed of not more than five (5) miles per hour.
- 39 (6) Unless the vehicle is equipped with a muffler in good working
- 40 order and in constant operation to prevent excessive or unusual
- 41 noise and annoying smoke.
- 42 (7) Within one hundred (100) feet of a dwelling between midnight



- 1 and 6:00 a.m., except on the individual's own property or property
 2 under the individual's control or as an invited guest.
 3 (8) On any property without the consent of the landowner or
 4 tenant.
 5 (9) While transporting on or in the vehicle a firearm, unless the
 6 firearm is:
 7 (A) unloaded; and
 8 (B) securely encased or equipped with and made inoperative
 9 by a manufactured keylocked trigger housing mechanism.
 10 (10) On or across a cemetery or burial ground.
 11 (11) Within one hundred (100) feet of a slide, ski, or skating area,
 12 except for the purpose of servicing the area.
 13 (12) On a railroad track or railroad right-of-way, except railroad
 14 personnel in the performance of duties.
 15 (13) In or upon a flowing river, stream, or creek, except for the
 16 purpose of crossing by the shortest possible route, unless the
 17 river, stream, or creek is of sufficient water depth to permit
 18 movement by flotation of the vehicle at all times.
 19 (14) An individual shall not operate a vehicle while a bow is
 20 present in or on the vehicle if the nock of an arrow is in position
 21 on the string of the bow.
 22 (b) Subsection (a)(9) does not apply to a person who is carrying a
 23 firearm:
 24 (1) if
 25 ~~(A) the firearm is a handgun; and~~
 26 ~~(B) the person has been issued an unlimited handgun license~~
 27 ~~to carry a handgun under IC 35-47-2;~~
 28 (2) if
 29 ~~(A) the firearm is a handgun; and~~
 30 ~~(B) the person is not required to possess a license to carry a~~
 31 ~~handgun under IC 35-47-2-2; or~~
 32 (3) if the person carrying the firearm is operating the vehicle on
 33 property that the person:
 34 (A) owns;
 35 (B) has a contractual interest in;
 36 (C) otherwise legally possesses; or
 37 (D) has permission from a person described in clauses (A)
 38 through (C) to possess a firearm on.
 39 SECTION 7. IC 31-30-1-4, AS AMENDED BY P.L.28-2016,
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 4. (a) The juvenile court does not have
 42 jurisdiction over an individual for an alleged violation of:



- 1 (1) IC 35-41-5-1(a) (attempted murder);
 2 (2) IC 35-42-1-1 (murder);
 3 (3) IC 35-42-3-2 (kidnapping);
 4 (4) IC 35-42-4-1 (rape);
 5 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
 6 (6) IC 35-42-5-1 (robbery) if:
 7 (A) the robbery was committed while armed with a deadly
 8 weapon; or
 9 (B) the robbery results in bodily injury or serious bodily
 10 injury;
 11 (7) IC 35-42-5-2 (carjacking) (before its repeal);
 12 ~~(8) IC 35-47-2-1 (carrying a handgun without a license); if~~
 13 ~~charged as a felony;~~
 14 ~~(9) (8) IC 35-47-10 (children and firearms), if charged as a felony;~~
 15 or
 16 ~~(10) (9) any offense that may be joined under IC 35-34-1-9(a)(2)~~
 17 ~~with any crime listed in this subsection;~~
 18 if the individual was at least sixteen (16) years of age but less than
 19 eighteen (18) years of age at the time of the alleged violation.
 20 (b) Once an individual described in subsection (a) has been charged
 21 with any offense listed in subsection (a), the court having adult
 22 criminal jurisdiction shall retain jurisdiction over the case if the
 23 individual pleads guilty to or is convicted of any offense listed in
 24 subsection (a)(1) through ~~(a)(9)~~: **(a)(8)**.
 25 (c) If:
 26 (1) an individual described in subsection (a) is charged with one
 27 (1) or more offenses listed in subsection (a);
 28 (2) all the charges under subsection (a)(1) through ~~(a)(9)~~ **(a)(8)**
 29 resulted in an acquittal or were dismissed; and
 30 (3) the individual pleads guilty to or is convicted of any offense
 31 other than an offense listed in subsection (a)(1) through ~~(a)(9)~~;
 32 **(a)(8)**;
 33 the court having adult criminal jurisdiction may withhold judgment and
 34 transfer jurisdiction to the juvenile court for adjudication and
 35 disposition. In determining whether to transfer jurisdiction to the
 36 juvenile court for adjudication and disposition, the court having adult
 37 criminal jurisdiction shall consider whether there are appropriate
 38 services available in the juvenile justice system, whether the child is
 39 amenable to rehabilitation under the juvenile justice system, and
 40 whether it is in the best interests of the safety and welfare of the
 41 community that the child be transferred to juvenile court. All orders
 42 concerning release conditions remain in effect until a juvenile court



1 detention hearing, which must be held not later than forty-eight (48)
 2 hours, excluding Saturdays, Sundays, and legal holidays, after the order
 3 of transfer of jurisdiction.

4 SECTION 8. IC 35-33-1-1, AS AMENDED BY P.L.65-2016,
 5 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 1. (a) A law enforcement officer may arrest
 7 a person when the officer has:

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

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

- 22 (6) probable cause to believe that the person violated
 23 IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;
- 24 (7) probable cause to believe that the person violated
 25 ~~IC 35-47-2-1 (carrying a handgun without a license)~~ or
 26 IC 35-47-2-22 (counterfeit handgun license);
- 27 (8) probable cause to believe that the person is violating or has
 28 violated an order issued under IC 35-50-7;
- 29 (9) probable cause to believe that the person is violating or has
 30 violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
 31 device);
- 32 (10) probable cause to believe that the person is:
 - 33 (A) violating or has violated IC 35-45-2-5 (interference with
 34 the reporting of a crime); and
 - 35 (B) interfering with or preventing the reporting of a crime
 36 involving domestic or family violence (as defined in
 37 IC 34-6-2-34.5);
- 38 (11) probable cause to believe that the person has committed theft
 39 (IC 35-43-4-2);
- 40 (12) a removal order issued for the person by an immigration
 41 court;
- 42 (13) a detainer or notice of action for the person issued by the



1 United States Department of Homeland Security; or
 2 (14) probable cause to believe that the person has been indicted
 3 for or convicted of one (1) or more aggravated felonies (as
 4 defined in 8 U.S.C. 1101(a)(43)).

5 (b) A person who:

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

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

14 SECTION 9. IC 35-47-2-0.5 IS ADDED TO THE INDIANA CODE
 15 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: **Sec. 0.5. This chapter may not be construed:**

17 **(1) to prohibit a person who owns, leases, rents, or otherwise**
 18 **legally controls private property from regulating or**
 19 **prohibiting the possession of firearms on the private**
 20 **property;**

21 **(2) to allow a person to adopt or enforce an ordinance,**
 22 **resolution, policy, or rule that:**

23 **(A) prohibits; or**

24 **(B) has the effect of prohibiting;**

25 **an employee of the person from possessing a firearm or**
 26 **ammunition that is locked in the trunk of the employee's**
 27 **vehicle, kept in the glove compartment of the employee's**
 28 **locked vehicle, or stored out of plain sight in the employee's**
 29 **locked vehicle, unless the person's adoption or enforcement of**
 30 **the ordinance, resolution, policy, or rule is allowed under**
 31 **IC 34-28-7-2(b); or**

32 **(3) to allow a person to adopt or enforce a law, statute,**
 33 **ordinance, resolution, policy, or rule that allows a person to**
 34 **possess or transport a firearm or ammunition if the person is**
 35 **prohibited from possessing or transporting the firearm or**
 36 **ammunition by state or federal law.**

37 SECTION 10. IC 35-47-2-1, AS AMENDED BY P.L.221-2017,
 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: **Sec. 1. (a) Except as provided in subsections (b)**
 40 **and (c) and sections 2 through 2.1 of this chapter, a person shall not**
 41 **carry a handgun in any vehicle or on or about the person's body without**
 42 **being licensed under this chapter to carry a handgun.**



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

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

7 (2) the person carries the handgun on or about the person's body
 8 while lawfully present in or on property that is owned, leased,
 9 rented, or otherwise legally controlled by another person; if the
 10 person:

11 (A) has the consent of the owner, renter, lessor, or person who
 12 legally controls the property to have the handgun on the
 13 premises;

14 (B) is attending a firearms related event on the property;
 15 including a gun show, firearms expo, gun owner's club or
 16 convention, hunting club, shooting club, or training course; or

17 (C) is on the property to receive firearms related services;
 18 including the repair, maintenance, or modification of a
 19 firearm;

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

23 (A) unloaded;

24 (B) not readily accessible; and

25 (C) secured in a case;

26 (4) the person carries the handgun while lawfully present in a
 27 vehicle that is owned, leased, rented, or otherwise legally
 28 controlled by another person; if the handgun is:

29 (A) unloaded;

30 (B) not readily accessible; and

31 (C) secured in a case;

32 (5) the person carries the handgun:

33 (A) at a shooting range (as defined in IC 14-22-31.5-3);

34 (B) while attending a firearms instructional course; or

35 (C) while engaged in a legal hunting activity; or

36 (6) the person is permitted to carry a handgun without a license
 37 under section 2.1 of this chapter (persons protected by a
 38 protection order):

39 (c) (a) Unless the person's right to possess a firearm has been
 40 restored under IC 35-47-4-7, a person who has been convicted of
 41 domestic battery under IC 35-42-2-1.3 may not possess or carry a
 42 handgun.



1 (d) This section may not be construed:

2 (1) to prohibit a person who owns, leases, rents, or otherwise
3 legally controls private property from regulating or prohibiting the
4 possession of firearms on the private property;

5 (2) to allow a person to adopt or enforce an ordinance, resolution,
6 policy, or rule that:

7 (A) prohibits; or

8 (B) has the effect of prohibiting;

9 an employee of the person from possessing a firearm or
10 ammunition that is locked in the trunk of the employee's vehicle;
11 kept in the glove compartment of the employee's locked vehicle;
12 or stored out of plain sight in the employee's locked vehicle;
13 unless the person's adoption or enforcement of the ordinance,
14 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or

15 (3) to allow a person to adopt or enforce a law, statute, ordinance,
16 resolution, policy, or rule that allows a person to possess or
17 transport a firearm or ammunition if the person is prohibited from
18 possessing or transporting the firearm or ammunition by state or
19 federal law.

20 (e) (b) A person who knowingly or intentionally violates this section
21 commits a Class A misdemeanor. However, the offense is a Level 5
22 felony:

23 (1) if the offense is committed:

24 (A) on or in school property;

25 (B) within five hundred (500) feet of school property; or

26 (C) on a school bus; or

27 (2) if the person:

28 (A) has a prior conviction of ~~any the~~ offense under

29 (i) this section; or

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

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

33 SECTION 11. IC 35-47-2-2.1 IS REPEALED [EFFECTIVE UPON
34 PASSAGE]. Sec. 2.1. (a) As used in this section, "protection order"
35 means a civil protection order issued under IC 34-26-5.

36 (b) A person may carry a handgun without a license if the person:

37 (1) has applied for a license to carry a handgun as described in
38 IC 35-47-2-3;

39 (2) is protected by a protection order;

40 (3) is at least eighteen (18) years of age; and

41 (4) is not otherwise barred by state or federal law from possessing
42 a handgun;



1 during the period described in subsection (c):

2 (c) A person described in subsection (b) may carry a handgun
3 without a license for a period ending sixty (60) days after the date the
4 protection order is issued.

5 SECTION 12. IC 35-47-2-3, AS AMENDED BY P.L.107-2019,
6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 3. (a) A person ~~desiring a license to carry a~~
8 ~~handgun shall apply:~~ **who is not prohibited from carrying or**
9 **possessing a firearm under state or federal law is not required to**
10 **obtain or possess a license from the state of Indiana in order to**
11 **carry a handgun in Indiana. A nonresident of Indiana is not**
12 **required to possess a license or permit to carry a handgun from the**
13 **person's state of residence in order to carry a handgun in Indiana.**
14 **A resident of this state who wishes to carry a handgun in another**
15 **state under a reciprocity agreement entered into by this state and**
16 **another state may obtain a license to carry a handgun under this**
17 **chapter by applying:**

18 (1) to the chief of police or corresponding law enforcement officer
19 of the municipality in which the applicant resides;

20 (2) if that municipality has no such officer, or if the applicant does
21 not reside in a municipality, to the sheriff of the county in which
22 the applicant resides after the applicant has obtained an
23 application form prescribed by the superintendent; or

24 (3) if the applicant is a resident of another state and has a regular
25 place of business or employment in Indiana, to the sheriff of the
26 county in which the applicant has a regular place of business or
27 employment.

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

32 (b) This subsection applies before July 1, 2020. The law
33 enforcement agency which accepts an application for a handgun license
34 shall collect the following application fees:

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

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

42 (3) From a person applying for a lifetime handgun license who



1 currently possesses a valid Indiana handgun license, a forty dollar
 2 (\$40) application fee, thirty dollars (\$30) of which shall be
 3 refunded if the license is not issued.
 4 Except as provided in subsection (i), the fee shall be deposited into the
 5 law enforcement agency's firearms training fund or other appropriate
 6 training activities fund and used by the agency to train law enforcement
 7 officers in the proper use of firearms or in other law enforcement
 8 duties, or to purchase firearms, firearm related equipment, or body
 9 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
 10 employed by the law enforcement agency. The state board of accounts
 11 shall establish rules for the proper accounting and expenditure of funds
 12 collected under this subsection.

13 (c) This subsection applies after June 30, 2020. The law
 14 enforcement agency which accepts an application for a handgun license
 15 shall not collect a fee from a person applying for a five (5) year
 16 handgun license and shall collect the following application fees:

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

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

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

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



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

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

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

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

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

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

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



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

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

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

12 (2) is:

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

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

17 (C) approved by the superintendent.

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

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

26 (1) has been convicted of a felony;

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

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

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

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

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

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



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

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

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

11 (1) changes the person's name;

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

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

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

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

25 (l) The state police department shall adopt rules under IC 4-22-2 to
 26 ~~(†) implement an electronic application system under subsection~~

27 (a). ~~and~~

28 ~~(2) expedite the processing of an application made by a person~~
 29 ~~described in section 2-1(b) of this chapter.~~

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

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

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

39 (A) obtain; or

40 (B) renew;

41 a license to carry a handgun.

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



1 entity in the course of an investigation concerning a person who
2 applies to:

3 (A) obtain; or

4 (B) renew;

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

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

9 (n) Notwithstanding subsection (m):

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

13 (A) for law enforcement purposes; or

14 (B) to determine the validity of a license to carry a handgun;
15 and

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

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

24 SECTION 13. IC 35-47-2-24, AS AMENDED BY P.L.107-2019,
25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
26 PASSAGE]: Sec. 24. (a) In an information or indictment brought for
27 the enforcement of any provision of this chapter, it is not necessary to
28 negate any exemption specified under this chapter. ~~or to allege the~~
29 ~~absence of a license required under this chapter.~~ The burden of proof
30 is on the defendant to prove ~~that he is exempt~~ **an exemption**
31 section 2 of this chapter. ~~or that he has a license as required under this~~
32 ~~chapter.~~

33 (b) Whenever a person who has been arrested or charged with a
34 violation of section 1 of this chapter ~~presents a valid license to the~~
35 ~~prosecuting attorney or establishes that he is exempt~~ **an exemption**
36 under section 2 of this chapter, any prosecution for a violation of
37 section 1 of this chapter shall be dismissed immediately, and all
38 records of an arrest or proceedings following arrest shall be destroyed
39 immediately.

40 SECTION 14. IC 35-47-2.5-1, AS AMENDED BY P.L.152-2014,
41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 UPON PASSAGE]: Sec. 1. (a) Sections 2 through 5 of this chapter do



- 1 not apply to the following:
- 2 (1) Transactions between persons who are licensed as firearms
- 3 importers or collectors or firearms manufacturers or dealers under
- 4 18 U.S.C. 923.
- 5 (2) Purchases by or sales to a law enforcement officer or agent of
- 6 the United States, the state, or a county or local government.
- 7 (3) Indiana residents ~~licensed to carry handguns under~~
- 8 ~~IC 35-47-2-3~~, **who possess a license to carry a handgun.**
- 9 (b) Notwithstanding any other provision of this chapter, the state
- 10 shall participate in the NICS if federal funds are available to assist the
- 11 state in participating in the NICS. If:
- 12 (1) the state participates in the NICS; and
- 13 (2) there is a conflict between:
- 14 (A) a provision of this chapter; and
- 15 (B) a procedure required under the NICS;
- 16 the procedure required under the NICS prevails over the conflicting
- 17 provision of this chapter.
- 18 SECTION 15. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014,
- 19 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 UPON PASSAGE]: Sec. 4. This chapter may not be construed to
- 21 prevent any of the following:
- 22 (1) A law enforcement agency of a political subdivision from
- 23 enacting and enforcing regulations pertaining to firearms,
- 24 ammunition, or firearm accessories issued to or used by law
- 25 enforcement officers in the course of their official duties.
- 26 (2) Subject to IC 34-28-7-2, an employer from regulating or
- 27 prohibiting the employees of the employer from carrying firearms
- 28 and ammunition in the course of the employee's official duties.
- 29 (3) A court or administrative law judge from hearing and
- 30 resolving any case or controversy or issuing any opinion or order
- 31 on a matter within the jurisdiction of the court or judge.
- 32 (4) The enactment or enforcement of generally applicable zoning
- 33 or business ordinances that apply to firearms businesses to the
- 34 same degree as other similar businesses. However, a provision of
- 35 an ordinance that is designed or enforced to effectively restrict or
- 36 prohibit the sale, purchase, transfer, manufacture, or display of
- 37 firearms, ammunition, or firearm accessories that is otherwise
- 38 lawful under the laws of this state is void. A unit (as defined in
- 39 IC 36-1-2-23) may not use the unit's planning and zoning powers
- 40 under IC 36-7-4 to prohibit the sale of firearms within a
- 41 prescribed distance of any other type of commercial property or
- 42 of school property or other educational property.



- 1 (5) Subject to IC 35-47-16-1, the enactment or enforcement of a
 2 provision prohibiting or restricting the possession of a firearm in
 3 any building that contains the courtroom of a circuit, superior,
 4 city, town, or small claims court. However, if a portion of the
 5 building is occupied by a residential tenant or private business,
 6 any provision restricting or prohibiting the possession of a firearm
 7 does not apply to the portion of the building that is occupied by
 8 the residential tenant or private business, or to common areas of
 9 the building used by a residential tenant or private business.
- 10 (6) The enactment or enforcement of a provision prohibiting or
 11 restricting the intentional display of a firearm at a public meeting.
- 12 (7) The enactment or enforcement of a provision prohibiting or
 13 restricting the possession of a firearm in a public hospital
 14 corporation that contains a secure correctional health unit that is
 15 staffed by a law enforcement officer twenty-four (24) hours a day.
- 16 (8) The imposition of any restriction or condition placed on a
 17 person participating in:
- 18 (A) a community corrections program (IC 11-12-1);
 - 19 (B) a forensic diversion program (IC 11-12-3.7); or
 - 20 (C) a pretrial diversion program (IC 33-39-1).
- 21 (9) The enforcement or prosecution of the offense of criminal
 22 recklessness (IC 35-42-2-2) involving the use of a firearm.
- 23 (10) For an event occurring on property leased from a political
 24 subdivision or municipal corporation by the promoter or organizer
 25 of the event:
- 26 (A) the establishment, by the promoter or organizer, at the
 27 promoter's or organizer's own discretion, of rules of conduct or
 28 admission upon which attendance at or participation in the
 29 event is conditioned; or
 - 30 (B) the implementation or enforcement of the rules of conduct
 31 or admission described in clause (A) by a political subdivision
 32 or municipal corporation in connection with the event.
- 33 (11) The enactment or enforcement of a provision prohibiting or
 34 restricting the possession of a firearm in a hospital established
 35 and operated under IC 16-22-2 or IC 16-23.
- 36 (12) A unit from using the unit's planning and zoning powers
 37 under IC 36-7-4 to prohibit the sale of firearms within two
 38 hundred (200) feet of a school by a person having a business that
 39 did not sell firearms within two hundred (200) feet of a school
 40 before April 1, 1994.
- 41 (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23)
 42 from enacting or enforcing a provision prohibiting or restricting



1 the possession of a firearm in a building owned or administered
2 by the unit if:

3 (A) metal detection devices are located at each public entrance
4 to the building;

5 (B) each public entrance to the building is staffed by at least
6 one (1) law enforcement officer:

7 (i) who has been adequately trained to conduct inspections
8 of persons entering the building by use of metal detection
9 devices and proper physical pat down searches; and

10 (ii) when the building is open to the public; and

11 (C) each:

12 (i) individual who enters the building through the public
13 entrance when the building is open to the public; and

14 (ii) bag, package, and other container carried by the
15 individual;

16 is inspected by a law enforcement officer described in clause

17 (B).

18 However, except as provided in subdivision (5) concerning a
19 building that contains a courtroom, a unit may not prohibit or
20 restrict the possession of a handgun under this subdivision in a
21 building owned or administered by the unit if the person who
22 possesses the handgun ~~has been issued a valid license to carry the~~
23 ~~handgun under IC 35-47-2. is not otherwise prohibited by law~~
24 **from possessing the handgun.**

25 SECTION 16. IC 35-47-11.1-4.1 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) As used in this section,**
28 **"department" means the Indiana department of natural resources.**

29 **(b) Any person not otherwise prohibited from carrying or**
30 **possessing a firearm under federal or state law shall be permitted**
31 **beginning July 1, 2021, to carry or possess, without restriction, a**
32 **firearm on any property:**

33 **(1) affiliated with;**

34 **(2) operated or managed by;**

35 **(3) owned by; or**

36 **(4) leased by;**

37 **the department.**

38 **(c) Before July 1, 2021, the department shall amend 312**
39 **IAC 8-2-3 to conform with subsection (b).**

40 **(d) A rule adopted by the department that conflicts with**
41 **subsection (b) after June 30, 2021, is void.**

42 **(e) The publisher of the Indiana Administrative Code and**



1 **Indiana Register shall amend 312 IAC 8-2-3 to reflect any change**
2 **made by the department under subsection (c).**
3 **(f) The department shall adopt emergency rules under**
4 **IC 4-22-2-37.1 to implement this section. An emergency rule**
5 **adopted by the department under this subsection expires on the**
6 **earlier of the following:**
7 **(1) The date the emergency rule is amended or repealed by a**
8 **later rule adopted under IC 4-22-2-24 through IC 4-22-2-36.**
9 **(2) July 2, 2022.**
10 **(g) The department shall adopt rules under IC 4-22-2 that**
11 **conform to subsection (b) not later than July 1, 2022.**
12 **SECTION 17. An emergency is declared for this act.**

