

# SENATE BILL No. 325

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-37-19-9; IC 35-31.5-2; IC 35-38-2.6-1; IC 35-42-5-1; IC 35-43-2-1.

**Synopsis:** Burglary and robbery of a gun retailer. Increases the penalty for burglary and robbery if the offense is committed on the premises of a firearm retail establishment. Makes conforming amendments.

**Effective:** July 1, 2025.

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## Freeman

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January 13, 2025, read first time and referred to Committee on Corrections and Criminal Law.

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First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

# SENATE BILL No. 325

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 31-37-19-9, AS AMENDED BY P.L.214-2013,  
2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2025]: Sec. 9. (a) This section applies if a child is a delinquent  
4 child under IC 31-37-1.  
5 (b) After a juvenile court makes a determination under IC 11-8-8-5,  
6 the juvenile court may, in addition to an order under section 6 of this  
7 chapter, and if the child:  
8 (1) is at least thirteen (13) years of age and less than sixteen (16)  
9 years of age; and  
10 (2) committed an act that, if committed by an adult, would be:  
11 (A) murder (IC 35-42-1-1);  
12 (B) kidnapping (IC 35-42-3-2);  
13 (C) rape (IC 35-42-4-1);  
14 (D) criminal deviate conduct (IC 35-42-4-2) (repealed); or  
15 (E) robbery (IC 35-42-5-1) if the robbery was committed while  
16 armed with a deadly weapon, **on the premises of a firearm**  
17 **retail establishment (as defined in IC 35-31.5-2-134.5), or**



1 if the robbery resulted in bodily injury or serious bodily injury;  
 2 order wardship of the child to the department of correction for a fixed  
 3 period that is not longer than the date the child becomes eighteen (18)  
 4 years of age, subject to IC 11-10-2-10.

5 (c) Notwithstanding IC 11-10-2-5, the department of correction may  
 6 not reduce the period ordered under this section (or  
 7 IC 31-6-4-15.9(b)(8) before its repeal).

8 SECTION 2. IC 35-31.5-2-16, AS ADDED BY P.L.114-2012,  
 9 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2025]: Sec. 16. "Ammunition", for purposes of **section 134.5**  
 11 **of this chapter and** IC 35-47, has the meaning set forth in  
 12 IC 35-47-1-2.5.

13 SECTION 3. IC 35-31.5-2-133, AS ADDED BY P.L.114-2012,  
 14 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2025]: Sec. 133. (a) Except as provided in subsection (b),  
 16 "firearm", for purposes of **section 134.5 of this chapter and** IC 35-47,  
 17 has the meaning set forth in IC 35-47-1-5.

18 (b) "Firearm", for purposes of IC 35-47-15, has the meaning set  
 19 forth in IC 35-47-15-1.

20 (c) "Firearm", for purposes of IC 35-50-2-11, has the meaning set  
 21 forth in IC 35-50-2-11(a).

22 SECTION 4. IC 35-31.5-2-134, AS ADDED BY P.L.114-2012,  
 23 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2025]: Sec. 134. "Firearm accessory", for purposes of **section**  
 25 **134.5 of this chapter and** IC 35-47, has the meaning set forth in  
 26 IC 35-47-1-5.1.

27 SECTION 5. IC 35-31.5-2-134.5 IS ADDED TO THE INDIANA  
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2025]: **Sec. 134.5. "Firearm retail**  
 30 **establishment" means:**

31 **(1) an establishment whose principal business is the sale of**  
 32 **firearms, ammunition, or firearms accessories; or**

33 **(2) a gun show.**

34 SECTION 6. IC 35-31.5-2-147, AS ADDED BY P.L.114-2012,  
 35 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2025]: Sec. 147. "Gun show", for purposes of **section 134.5**  
 37 **of this chapter and** IC 35-47, has the meaning set forth in  
 38 IC 35-47-1-5.5.

39 SECTION 7. IC 35-38-2.6-1, AS AMENDED BY P.L.148-2024,  
 40 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2025]: Sec. 1. This chapter does not apply to persons  
 42 convicted of any of the following offenses whenever any part of the



- 1 sentence may not be suspended under IC 35-50-2-2.2:  
 2 (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.  
 3 (2) A Level 1 felony.  
 4 (3) A Class A felony.  
 5 (4) Any of the following felonies:  
 6 (A) Murder (IC 35-42-1-1).  
 7 (B) A battery offense included in IC 35-42-2 with a deadly  
 8 weapon or causing death.  
 9 (C) Kidnapping (IC 35-42-3-2).  
 10 (D) Criminal confinement (IC 35-42-3-3) with a deadly  
 11 weapon.  
 12 (E) Robbery (IC 35-42-5-1) resulting in serious bodily injury,  
 13 **or with a deadly weapon, or committed on the premises of a**  
 14 **firearm retail establishment.**  
 15 (F) Arson (IC 35-43-1-1) for hire resulting in serious bodily  
 16 injury.  
 17 (G) Burglary (IC 35-43-2-1) resulting in serious bodily injury.  
 18 (H) Resisting law enforcement (IC 35-44.1-3-1) with a deadly  
 19 weapon.  
 20 (I) Aggravated battery (IC 35-42-2-1.5).  
 21 (J) Disarming a law enforcement officer (IC 35-44.1-3-2).  
 22 (K) A sentence for a crime that is enhanced by criminal  
 23 organization (IC 35-50-2-15).

24 SECTION 8. IC 35-42-5-1, AS AMENDED BY P.L.202-2017,  
 25 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2025]: Sec. 1. (a) Except as provided in subsection (b) **or (c)**,  
 27 a person who knowingly or intentionally takes property from another  
 28 person or from the presence of another person:

- 29 (1) by using or threatening the use of force on any person; or  
 30 (2) by putting any person in fear;  
 31 commits robbery, a Level 5 felony.  
 32 **(b) The offense described in subsection (a) is:**  
 33 **(1) However, the offense is a Level 3 felony if it:**  
 34 **(A) is committed while armed with a deadly weapon; or**  
 35 **(B) results in bodily injury to any person other than a**  
 36 **defendant; or**  
 37 **(C) is committed on the premises of a firearm retail**  
 38 **establishment; and**  
 39 **(2) a Level 2 felony if it results in serious bodily injury to any**  
 40 **person other than a defendant.**  
 41 ~~(b)~~ **(c) A person who knowingly or intentionally takes a controlled**  
 42 **substance from a pharmacist acting in an official capacity or from a**



- 1 pharmacy by:
- 2 (1) using or threatening the use of force on any person; or
- 3 (2) putting any person in fear;
- 4 commits robbery, a Level 4 felony. However, the offense is a Level 2
- 5 felony if it is committed while armed with a deadly weapon or results
- 6 in bodily injury to any person other than the defendant, and the offense
- 7 is a Level 1 felony if it results in serious bodily injury to any person
- 8 other than the defendant.
- 9 SECTION 9. IC 35-43-2-1, AS AMENDED BY P.L.158-2013,
- 10 SECTION 460, IS AMENDED TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2025]: Sec. 1. A person who breaks and enters
- 12 the building or structure of another person, with intent to commit a
- 13 felony or theft in it, commits burglary, a Level 5 felony. However, the
- 14 offense is:
- 15 (1) a Level 4 felony if the building or structure is a:
- 16 (A) dwelling; or
- 17 (B) **firearm retail establishment;**
- 18 (2) a Level 3 felony if it results in bodily injury to any person
- 19 other than a defendant;
- 20 (3) a Level 2 felony if it:
- 21 (A) is committed while armed with a deadly weapon; or
- 22 (B) results in serious bodily injury to any person other than a
- 23 defendant; and
- 24 (4) a Level 1 felony if:
- 25 (A) the building or structure is a dwelling; and
- 26 (B) it results in serious bodily injury to any person other than
- 27 a defendant.

