

SENATE BILL No. 45

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2-23.

Synopsis: Sale of guns to minors. Makes the sale or transfer of a handgun or an assault weapon to a minor a Class B felony instead of a Class C felony. Enhances the offense to a Class A felony if the person who commits the offense has reasonable cause to believe that the minor is a member of a gang.

Effective: November 30, 1998.

Randolph

January 6, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.



Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

SENATE BILL No. 45

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 35-47-2-23, AS AMENDED BY P.L.17-1997,
- 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 NOVEMBER 30, 1998]: Sec. 23. (a) A person who violates section 3, 4,
- 4 5, 14, 15, or 16 of this chapter commits a Class B misdemeanor.
- 5 (b) A person who violates ~~section 7~~, **section 7(b)**, 17, or 18 of this
- 6 chapter commits a Class C felony.
- 7 (c) **A person who violates section 7(a) of this chapter commits a**
- 8 **Class B felony. However, the offense is a Class A felony if the person**
- 9 **who commits the offense has reasonable cause to believe that the**
- 10 **individual to whom ownership or possession of the handgun or**
- 11 **assault weapon is transferred is:**
- 12 (1) **less than eighteen (18) years of age; and**
- 13 (2) **a member of a gang (as defined in IC 35-45-9-1).**
- 14 (e) (d) A person who violates section 1 of this chapter commits a Class
- 15 A misdemeanor. However, the offense is a Class C felony:
- 16 (1) if the offense is committed:
- 17 (A) on or in school property;
- 18 (B) within one thousand (1,000) feet of school property; or



1 (C) on a school bus; or
2 (2) if the person:
3 (A) has a prior conviction of any offense under:
4 (i) this subsection; or
5 (ii) subsection ~~(d)~~; **(e)**; or
6 (B) has been convicted of a felony within fifteen (15) years
7 before the date of the offense.
8 ~~(d)~~ **(e)** A person who violates section 22 of this chapter commits a
9 Class A misdemeanor. However, the offense is a Class D felony if the
10 person has a prior conviction of any offense under this subsection or
11 subsection ~~(e)~~; **(d)**, or if the person has been convicted of a felony within
12 fifteen (15) years before the date of the offense.

