

# SENATE BILL No. 111

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Handgun licenses and trigger locks. Prohibits issuance of a license to carry a handgun to a person less than 21 years of age. (Current law prohibits issuance of a license to carry a handgun to a person less than 18 years of age.) Provides that a person who owns or otherwise possesses a handgun and does not securely lock the handgun with a trigger lock or similar device designed to prevent the discharge of the handgun when the person: (1) is not carrying the handgun on the person's body; or (2) does not otherwise have immediate access to the handgun commits a Class A infraction.

**Effective:** July 1, 1998; December 1, 1998.

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Breaux

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January 8, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Introduced

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. 111

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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 P.L.2-1996,  
2 SECTION 284, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) A person desiring a license  
4 to carry a handgun shall apply:  
5 (1) to the chief of police or corresponding law enforcement officer  
6 of the municipality in which he 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 he resides after he has obtained an application form prescribed by  
10 the superintendent; or  
11 (3) if he is a resident of another state and has a regular place of  
12 business or employment in Indiana, to the sheriff of the county in  
13 which he has a regular place of business or employment.  
14 (b) The law enforcement agency which accepts an application for a  
15 handgun license shall collect a ten dollar (\$10) application fee, five  
16 dollars (\$5) of which shall be refunded if the license is not issued.  
17 Except as provided in subsection (g), the fee shall be:

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1 (1) deposited into the law enforcement agency's firearms training  
2 fund or other appropriate training activities fund; and

3 (2) used by the agency for the purpose of:

4 (A) training law enforcement officers in the proper use of  
5 firearms or other law enforcement duties; or

6 (B) purchasing for the law enforcement officers employed by  
7 the law enforcement agency firearms, or firearm related  
8 equipment, or both.

9 The state board of accounts shall establish rules for the proper  
10 accounting and expenditure of funds collected under this subsection.

11 (c) The officer to whom the application is made shall ascertain  
12 concerning the applicant his name, full address, length of residence in  
13 the community, whether his residence is located within the limits of  
14 any city or town, occupation, place of business or employment,  
15 criminal record, if any, and convictions (minor traffic offenses  
16 excepted), age, race, sex, nationality, date of birth, citizenship, height,  
17 weight, build, color of hair, color of eyes, scars and marks, whether the  
18 applicant has previously held an Indiana license to carry a handgun  
19 and, if so, the serial number of the license and year issued, whether his  
20 license has ever been suspended or revoked, and if so, the year and  
21 reason for the suspension or revocation, and the applicant's reason for  
22 desiring a license. The officer to whom the application is made shall  
23 conduct an investigation into the applicant's official records and verify  
24 thereby the applicant's character and reputation, and shall in addition  
25 verify for accuracy the information contained in the application, and  
26 shall forward this information together with his recommendation for  
27 approval or disapproval and one (1) set of legible and classifiable  
28 fingerprints of the applicant to the superintendent.

29 (d) The superintendent may make whatever further investigation he  
30 deems necessary. Whenever disapproval is recommended, the officer  
31 to whom the application is made shall provide the superintendent and  
32 the applicant with his complete and specific reasons, in writing, for the  
33 recommendation of disapproval.

34 (e) If it appears to the superintendent that the applicant has a proper  
35 reason for carrying a handgun and is of good character and reputation  
36 and a proper person to be so licensed, he shall issue to the applicant a  
37 qualified or an unlimited license to carry any handgun lawfully  
38 possessed by the applicant. The original license shall be delivered to  
39 the licensee. A copy shall be delivered to the officer to whom the  
40 application for license was made. A copy shall be retained by the  
41 superintendent for at least four (4) years. This license shall be valid for  
42 a period of four (4) years from the date of issue. The license of police



1 officers, sheriffs or their deputies, and law enforcement officers of the  
 2 United States government who have been honorably retired by a  
 3 lawfully created pension board or its equivalent after twenty (20) or  
 4 more years of service, shall be valid for the life of such individuals.  
 5 However, such lifetime licenses are automatically revoked if the  
 6 license holder does not remain a proper person.

7 (f) A license to carry a handgun shall not be issued to any person  
 8 who:

- 9 (1) has been convicted of a felony;
- 10 (2) is under ~~eighteen (18)~~ **twenty-one (21)** years of age;
- 11 (3) is under twenty-three (23) years of age if the person has been  
 12 adjudicated a delinquent child for an act that would be a felony if  
 13 committed by an adult; or
- 14 (4) has been arrested for a Class A or Class B felony, or any other  
 15 felony that was committed while armed with a deadly weapon or  
 16 that involved the use of violence, if a court has found probable  
 17 cause to believe that the person committed the offense charged.

18 In the case of an arrest under subdivision (4), a license to carry a  
 19 handgun may be issued to a person who has been acquitted of the  
 20 specific offense charged or if the charges for the specific offense are  
 21 dismissed. The superintendent shall prescribe all forms to be used in  
 22 connection with the administration of this chapter.

23 (g) If the law enforcement agency that charges a fee under  
 24 subsection (b) is a city or town law enforcement agency, the fee shall  
 25 be deposited in the law enforcement continuing education fund  
 26 established under IC 5-2-8-2.

27 SECTION 2. IC 35-47-2-23, AS AMENDED BY P.L.17-1997,  
 28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 DECEMBER 1, 1998]: Sec. 23. (a) A person who violates section 3, 4,  
 30 5, 14, 15, or 16 of this chapter commits a Class B misdemeanor.

31 (b) A person who violates section 7, 17, or 18 of this chapter  
 32 commits a Class C felony.

33 (c) A person who violates section 1 of this chapter commits a Class  
 34 A misdemeanor. However, the offense is a Class C felony:

- 35 (1) if the offense is committed:
  - 36 (A) on or in school property;
  - 37 (B) within one thousand (1,000) feet of school property; or
  - 38 (C) on a school bus; or
- 39 (2) if the person:
  - 40 (A) has a prior conviction of any offense under:
    - 41 (i) this subsection; or
    - 42 (ii) subsection (d); or



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

3 (d) A person who violates section 22 of this chapter commits a Class  
4 A misdemeanor. However, the offense is a Class D felony if the person  
5 has a prior conviction of any offense under this subsection or  
6 subsection (c), or if the person has been convicted of a felony within  
7 fifteen (15) years before the date of the offense.

8 (e) **A person who violates section 25 of this chapter commits a**  
9 **Class A infraction.**

10 SECTION 3. IC 35-47-2-25 IS ADDED TO THE INDIANA CODE  
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
12 1, 1998]: **Sec. 25. A person who owns or otherwise possesses a**  
13 **handgun shall securely lock the handgun with a trigger lock or**  
14 **similar device designed to prevent the discharge of the handgun**  
15 **when the person:**

16 (1) **is not carrying the handgun on the person's body; or**

17 (2) **does not have immediate access to the handgun.**

18 SECTION 4. [EFFECTIVE JULY 1, 1998] (a) **IC 35-47-2-3, as**  
19 **amended by this act, does not apply to a license to carry a handgun**  
20 **that was issued before July 1, 1998, to a person less than**  
21 **twenty-one (21) years of age.**

22 (b) **This SECTION expires July 1, 2001.**

23 SECTION 5. [EFFECTIVE JULY 1, 1998] (a) **A person who**  
24 **violates IC 35-47-2-25, as added by this act, before December 1,**  
25 **1998, commits a Class A infraction.**

26 (b) **This SECTION expires December 1, 1998.**

