

SENATE BILL No. 452

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2-3; IC 35-47-2-25.

Synopsis: Handgun possession and licenses. Provides that a person who knowingly or intentionally carries a loaded handgun or an unloaded handgun accompanied by ammunition in a vehicle or on or about the person's body while the person: (1) is intoxicated; or (2) has at least 0.10% of alcohol by weight in grams in 100 milliliters of the person's blood or 210 liters of the person's breath commits unlawful possession of a handgun, a Class B misdemeanor. Prohibits the issuance of a license to carry a handgun to a person who: (1) has been convicted of unlawful possession of a handgun within five years before the date the person applies for the license; or (2) is less than 21 years of age.

Effective: July 1, 1998.

Rogers

January 14, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 452



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

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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:

10 (A) a felony; or

11 (B) **unlawful possession of a handgun under section 25 of**
 12 **this chapter within five (5) years before the date the person**
 13 **applies for the license;**

14 (2) is under ~~eighteen (18)~~ **twenty-one (21)** years of age;

15 (3) is under twenty-three (23) years of age if the person has been
 16 adjudicated a delinquent child for an act that would be a felony if
 17 committed by an adult; or

18 (4) has been arrested for a Class A or Class B felony, or any other
 19 felony that was committed while armed with a deadly weapon or
 20 that involved the use of violence, if a court has found probable
 21 cause to believe that the person committed the offense charged.

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

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

31 SECTION 2. IC 35-47-2-25 IS ADDED TO THE INDIANA CODE
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 1998]: **Sec. 25. A person who knowingly or intentionally carries**
 34 **a loaded handgun or an unloaded handgun accompanied by**
 35 **ammunition:**

36 (1) **in a vehicle or on or about the person's body, except in the**
 37 **person's dwelling or on the person's property or fixed place**
 38 **of business; and**

39 (2) **while the person:**

40 (A) **is intoxicated (as defined in IC 9-13-2-86); or**

41 (B) **has at least ten-hundredths percent (0.10%) of alcohol**
 42 **by weight in grams in:**

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1 (i) one hundred (100) milliliters of the person's blood; or
2 (ii) two hundred ten (210) liters of the person's breath;
3 commits unlawful possession of a handgun, a Class B
4 misdemeanor.

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

9 (b) This SECTION expires July 1, 2001.

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