

HOUSE BILL No. 1046

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2-3; IC 35-47-10-7.1.

Synopsis: Handguns and children. Prohibits the issuance of a license to carry a handgun to a person less than 21 years of age. (Current law prohibits the issuance of a license to carry a handgun to a person less than 18 years of age.) Makes it a Class A infraction for an adult to knowingly, intentionally, recklessly, or negligently store or leave a loaded handgun, or an unloaded handgun that is accompanied by ammunition, in a location where the adult knows or should reasonably know that an unsupervised child is likely to gain access to and handle the handgun if: (1) a child gains access to the handgun; and (2) the child violates the law concerning carrying a handgun without a license or uses the handgun to cause bodily injury to the child or to another person. Makes a repeat offense a Class A misdemeanor.

Effective: July 1, 1998.

Day

January 6, 1998, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.



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.

HOUSE BILL No. 1046

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 35-47-10-7.1 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 1998]: **Sec. 7.1. (a) This section does not**
 30 **apply under the following circumstances:**

- 31 **(1) When a child gains possession of a handgun that was:**
 32 **(A) stored in a locked box or container; or**
 33 **(B) securely locked with a trigger lock.**
 34 **(2) When a child gains possession of a handgun as a result of**
 35 **the child's unlawful entry.**

36 **(b) If:**

- 37 **(1) an adult knowingly, intentionally, recklessly, or negligently**
 38 **stores or leaves:**
 39 **(A) a loaded handgun; or**
 40 **(B) an unloaded handgun that is accompanied by**
 41 **ammunition;**
 42 **in a location where the adult knows or should reasonably**



1 know that an unsupervised child is likely to gain access to and
2 handle the handgun;

3 (2) a child gains access to the handgun; and

4 (3) the child uses the handgun to:

5 (A) violate IC 35-47-2-1; or

6 (B) cause bodily injury to the child or to another person;
7 the adult commits a Class A infraction. However, the offense is a
8 Class A misdemeanor if the adult has a previous judgment under
9 this section.

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

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

