

# HOUSE BILL No. 1365

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-47-2-3; IC 36-8-9.5.

**Synopsis:** Town marshals. Increases the handgun license application fee by \$5. Provides that the money collected from the \$5 increase in the fee is deposited in a town marshals pension fund. Establishes the town marshals pension fund. Requires the pension management oversight commission to study the creation of a separate pension system for town marshals. Provides that if a pension system for town marshals is not established on or before July 1, 1999, money in the town marshals pension fund reverts to the state general fund.

**Effective:** Upon passage; July 1, 1998.

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January 13, 1998, read first time and referred to Committee on Ways and Means.

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

# HOUSE BILL No. 1365

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A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

*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~~ **fifteen** dollar ~~(\$10)~~ **(\$15)**  
16 application fee, ~~five~~ **seven** dollars ~~(\$5)~~ **and fifty cents (\$7.50)** of which  
17 shall be refunded if the license is not issued. Except as provided in



1 subsection (g), the fee shall be **distributed as follows:**

2 (1) ~~deposited Ten dollars (\$10) shall be deposited~~ into the law  
3 enforcement agency's firearms training fund or other appropriate  
4 training activities fund ~~and~~

5 ~~(2) to be~~ used by the agency for the purpose of:

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

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

11 **(2) Five dollars (\$5) shall be transferred to the treasurer of**  
12 **state for deposit into the town marshals pension fund**  
13 **established under IC 36-8-9.5.**

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

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

34 (d) The superintendent may make whatever further investigation he  
35 deems necessary. Whenever disapproval is recommended, the officer  
36 to whom the application is made shall provide the superintendent and  
37 the applicant with his complete and specific reasons, in writing, for the  
38 recommendation of disapproval.

39 (e) If it appears to the superintendent that the applicant has a proper  
40 reason for carrying a handgun and is of good character and reputation  
41 and a proper person to be so licensed, he shall issue to the applicant a  
42 qualified or an unlimited license to carry any handgun lawfully

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1 possessed by the applicant. The original license shall be delivered to  
 2 the licensee. A copy shall be delivered to the officer to whom the  
 3 application for license was made. A copy shall be retained by the  
 4 superintendent for at least four (4) years. This license shall be valid for  
 5 a period of four (4) years from the date of issue. The license of police  
 6 officers, sheriffs or their deputies, and law enforcement officers of the  
 7 United States government who have been honorably retired by a  
 8 lawfully created pension board or its equivalent after twenty (20) or  
 9 more years of service, shall be valid for the life of such individuals.  
 10 However, such lifetime licenses are automatically revoked if the  
 11 license holder does not remain a proper person.

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

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

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

28 (g) If the law enforcement agency that charges a fee under  
 29 subsection (b) is a city or town law enforcement agency, the **part of**  
 30 **the fee that is designated under subsection (b)(1)** shall be deposited  
 31 in the law enforcement continuing education fund established under  
 32 IC 5-2-8-2.

33 SECTION 2. IC 36-8-9.5 IS ADDED TO THE INDIANA CODE  
 34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 1998]:

36 **Chapter 9.5. Town Marshals Pension Fund**

37 **Sec. 1. (a) The town marshals pension fund is established. The**  
 38 **fund consists of money deposited into the fund under**  
 39 **IC 35-47-2-3(b)(2).**

40 **(b) The fund shall be administered by the board of trustees of**  
 41 **the public employees' retirement fund. Except as provided in**  
 42 **section 2 of this chapter, money in the fund at the end of a state**



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1 fiscal year does not revert to the state general fund.

2 **Sec. 2. After June 30, 1999, the town marshals pension fund**  
3 **shall be used to fund a pension system for town marshals. If the**  
4 **pension system for town marshals is not established in statute on**  
5 **or before July 1, 1999, money in the town marshals pension fund**  
6 **reverts to the state general fund.**

7 **SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The pension**  
8 **management oversight commission established by IC 2-5-12 shall**  
9 **study the creation of a pension system for town marshals to be**  
10 **effective July 1, 1999. The pension management oversight**  
11 **commission shall consider the use of money deposited in the town**  
12 **marshals pension fund established under IC 36-8-9.5, as added by**  
13 **this act, to partially fund the pension system.**

14 **(b) The pension management oversight commission shall make**  
15 **recommendations to the general assembly before November 2,**  
16 **1998, concerning the results of the study described in subsection**  
17 **(a).**

18 **(c) This SECTION expires December 31, 1998.**

19 **SECTION 4. An emergency is declared for this act.**

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