

HOUSE BILL No. 1395

DIGEST OF INTRODUCED BILL

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

Synopsis: Handgun licenses and safety education. Prohibits a handgun license from being issued to a person who has not participated in handgun safety education approved by the superintendent of the state police department. Requires the superintendent to adopt a policy that specifies the criteria of adequate handgun safety education.

Effective: July 1, 1999.

Smith V, Brown C

January 12, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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HOUSE BILL No. 1395



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 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A person desiring
- 3 a license to carry a handgun shall apply:
- 4 (1) to the chief of police or corresponding law enforcement officer
- 5 of the municipality in which he resides;
- 6 (2) if that municipality has no such officer, or if the applicant does
- 7 not reside in a municipality, to the sheriff of the county in which
- 8 he resides after he has obtained an application form prescribed by
- 9 the superintendent; or
- 10 (3) if he is a resident of another state and has a regular place of
- 11 business or employment in Indiana, to the sheriff of the county in
- 12 which he has a regular place of business or employment.
- 13 (b) The law enforcement agency which accepts an application for a
- 14 handgun license shall collect a ten dollar (\$10) application fee, five
- 15 dollars (\$5) of which shall be refunded if the license is not issued.
- 16 Except as provided in subsection (g), the fee shall be:
- 17 (1) deposited into the law enforcement agency's firearms training



1 fund or other appropriate training activities fund; and

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

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

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

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

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

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

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

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

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

8 (1) has been convicted of a felony;

9 (2) is under eighteen (18) years of age;

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

13 (4) has been arrested for a Class A or Class B felony, or any other
 14 felony that was committed while armed with a deadly weapon or
 15 that involved the use of violence, if a court has found probable
 16 cause to believe that the person committed the offense charged;

17 **or**

18 **(5) has not participated in handgun safety education as**
 19 **approved by the superintendent or the superintendent's**
 20 **designee.**

21 In the case of an arrest under subdivision (4), a license to carry a
 22 handgun may be issued to a person who has been acquitted of the
 23 specific offense charged or if the charges for the specific offense are
 24 dismissed. The superintendent shall prescribe all forms to be used in
 25 connection with the administration of this chapter. **In addition, the**
 26 **superintendent shall adopt a policy specifying the criteria of**
 27 **adequate handgun safety education under subdivision (5).**

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

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