

HOUSE BILL No. 1168

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-33-1-1.7.

Synopsis: Confiscation of firearms. Allows a law enforcement officer to confiscate a firearm possessed by a person who is alleged to have committed a crime by operating a vehicle while intoxicated.

Effective: July 1, 2004.

Smith V

January 15, 2004, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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HOUSE BILL No. 1168



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 35-33-1-1.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]: **Sec. 1.7. (a) If a law enforcement officer:**
4 (1) **responds to the scene of an alleged crime committed under**
5 **IC 9-30-5 (operating a vehicle while intoxicated);**
6 (2) **has probable cause to believe a person committed a crime**
7 **under IC 9-30-5; and**
8 (3) **observes a firearm (as defined in IC 35-47-1-5) in the**
9 **possession of the person who is alleged to have committed a**
10 **crime under IC 9-30-5;**
11 **the law enforcement officer may confiscate and remove the firearm**
12 **from the scene.**
13 (b) **If a firearm is confiscated and removed from the scene**
14 **under subsection (a), the law enforcement officer shall:**
15 (1) **furnish the owner of the firearm with information on the**
16 **process for retaking possession of the firearm; and**
17 (2) **provide for the safe storage of the firearm until the owner**



1 **retakes possession of the firearm.**

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