

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7098

BILL NUMBER: SB 493

NOTE PREPARED: Jan 13, 2009

BILL AMENDED:

SUBJECT: Handgun license revocation procedures.

FIRST AUTHOR: Sen. Waltz

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ___ **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Pending

Summary of Legislation: Establishes a two-track procedure for the revocation or suspension of handgun licenses. Provides that, under the revocation track, the superintendent of the state police department may immediately suspend or revoke a person's handgun license based on: (1) the commission of certain crimes; (2) the fact that the person's license is already suspended; or (3) the person's age if the person is underage; if the superintendent has documented evidence supporting these facts. Authorizes judicial review of the superintendent's determination under the revocation track, and provides that the superintendent has the burden of proof in a judicial review proceeding. Provides that, under the suspension track, the superintendent may suspend a person's handgun license for a 45 day period if: (1) the superintendent has documented evidence that gives rise to a reasonable belief that the person has a propensity for violent or emotionally unstable conduct; or (2) the superintendent has other reasonable grounds to believe that the person's license should be suspended. Requires that the evidence relied upon by the superintendent be based on scientific, medical, technical, or other specialized evidence and be of sufficient reliability to be admissible under the Indiana rules of evidence. Specifies that the person's handgun license is automatically reinstated at the expiration of the suspension period unless the prosecuting attorney, before the expiration of the suspension period, files a petition to suspend or revoke the person's license, and requires the petition to contain a statement by a physician that, based on an examination or other information given to the physician, the person may have a propensity for violent or emotionally unstable conduct, or other reasonable grounds exist to suspend or revoke the person's license. Permits a person whose license is suspended or revoked to appeal or otherwise challenge the suspension or revocation. Provides that a person who knowingly or intentionally fails to return a license promptly after written notice of suspension or revocation commits a Class A misdemeanor. Makes other changes and conforming amendments. Repeals a superseded provision.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *As of the above date, the fiscal analysis of this bill has not been completed. Please contact the Office of Fiscal and Management Analysis for an update of this fiscal impact statement.*

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources:

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