



April 8, 2011

**ENGROSSED
SENATE BILL No. 94**

DIGEST OF SB 94 (Updated April 6, 2011 10:07 am - DI 14)

Citations Affected: IC 35-47.

Synopsis: Purchase of firearms. Makes it a Class C felony for a person to knowingly or intentionally give false information on certain forms or offer false evidence of identity in purchasing or otherwise securing delivery of a firearm. Repeals a provision that states: (1) a resident of Indiana may purchase a rifle or shotgun in Ohio, Kentucky, Michigan, or Illinois; and (2) a resident of Ohio, Kentucky, Michigan, or Illinois may purchase a rifle or shotgun in Indiana. (This provision was enacted in 1983 in response to the federal Gun Control Act, which allowed sales of rifles and shotguns to a nonresident of a contiguous state only if both states enacted laws allowing the sales. However, this contiguous state requirement of the federal law was amended in 1986 so that firearms dealers can sell to residents of any other state if the purchase is legal under federal law and any applicable state laws.)

Effective: July 1, 2011.

**Holdman, Tomes, Grooms, Smith J,
Steele, Hume, Paul, Nugent, Wyss,
Kruse, Waterman**

(HOUSE SPONSORS — LEHMAN, EBERHART)

January 5, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 27, 2011, amended, reported favorably — Do Pass.

January 31, 2011, read second time, ordered engrossed.

February 3, 2011, engrossed.

February 8, 2011, read third time, passed. Yeas 48, nays 1.

HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Public Policy.

April 7, 2011, reported — Do Pass.

ES 94—LS 6454/DI 69+



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April 8, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

**ENGROSSED
SENATE BILL No. 94**



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

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-47-2-17 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. No person, in
3 purchasing or otherwise securing delivery of a **handgun firearm** or in
4 applying for a license to carry a handgun, shall **knowingly or**
5 **intentionally:**

- 6 (1) give false information **on a form required to:**
7 (A) **purchase or secure delivery of a firearm; or**
8 (B) **apply for a license to carry a handgun; or**
9 (2) offer false evidence of identity.

10 In addition to any penalty provided by this chapter, any **handgun**
11 **firearm** obtained through false information shall be subject to
12 confiscation and disposition as provided in this chapter. Upon notice
13 of a violation of this section by the superintendent, it shall be the duty
14 of the sheriff or chief of police or corresponding officer of the
15 jurisdiction in which the purchaser resides to confiscate the firearm and
16 retain it as evidence pending trial for the offense.

17 SECTION 2. IC 35-47-5-6 IS REPEALED [EFFECTIVE JULY 1,
18 2011].

ES 94—LS 6454/DI 69+



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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 94, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

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

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-47-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. No person, in purchasing or otherwise securing delivery of a ~~handgun~~ **firearm** or in applying for a license to carry a handgun, shall **knowingly or intentionally**:

- (1) give false information **on a form required to:**
 - (A) **purchase or secure delivery of a firearm; or**
 - (B) **apply for a license to carry a handgun; or**
- (2) offer false evidence of identity.

In addition to any penalty provided by this chapter, any ~~handgun~~ **firearm** obtained through false information shall be subject to confiscation and disposition as provided in this chapter. Upon notice of a violation of this section by the superintendent, it shall be the duty of the sheriff or chief of police or corresponding officer of the jurisdiction in which the purchaser resides to confiscate the firearm and retain it as evidence pending trial for the offense."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 94 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 94, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DAVIS, Chair

Committee Vote: yeas 11, nays 0.

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