



April 8, 2011

**ENGROSSED
SENATE BILL No. 506**

DIGEST OF SB 506 (Updated April 6, 2011 10:08 am - DI 14)

Citations Affected: IC 35-47.

Synopsis: Handgun possession. Allows a person to carry a handgun without being licensed to carry a handgun if: (1) the person is in or on property, or in a vehicle, that is owned, leased, rented, or otherwise legally controlled by the person; (2) the person is lawfully present in or on private property that is owned, leased, rented, or otherwise legally controlled by another person, if the person has the consent of the owner to have the handgun on the premises, is attending a firearms related event, or is receiving firearms related services; (3) the person is lawfully present in a vehicle, that is owned, leased, rented, or otherwise legally controlled by another person; (4) the person is carrying the
(Continued next page)

Effective: July 1, 2011.

**Tomes, Kruse, Nugent, Smith J,
Banks, Schneider, Waltz,
Young R Michael, Waterman,
Holdman**

(HOUSE SPONSORS — VANNATTER, EBERHART, MORRIS)

January 18, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 27, 2011, reported favorably — Do Pass.

February 14, 2011, read second time, call withdrawn.

February 15, 2011, re-read second time, amended, ordered engrossed.

February 16, 2011, engrossed.

February 17, 2011, recommitted to Committee of One, report adopted. Engrossed. Read third time; passed. Yeas 43, nays 7.

HOUSE ACTION

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

April 7, 2011, amended, reported — Do Pass.

ES 506—LS 7399/DI 69+



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Digest Continued

handgun at a shooting range, while attending a firearms instructional course, or while engaged in a legal hunting activity; or (5) the handgun is unloaded and securely wrapped. (Current law provides that a person who does not possess a valid handgun license may not carry a handgun in any vehicle or on or about the person's body unless the person: (1) is in the person's dwelling or fixed place of business or on the person's property; or (2) is carrying the handgun unloaded and in a secure wrapper from the place where the handgun was purchased to the person's dwelling or fixed place of business, between a handgun repair shop and the person's dwelling or fixed place of business, or from one dwelling or fixed place of business to another.) Specifies that a person who has been convicted of domestic battery may not possess or carry a handgun unless the person's right to possess a firearm has been restored by a court.

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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.

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ENGROSSED SENATE BILL No. 506

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 35-47-2-1, AS AMENDED BY P.L.118-2007,
 2 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2011]: Sec. 1. (a) Except as provided in ~~subsection~~
 4 **subsections (b) and (c)** and section 2 of this chapter, a person shall not
 5 carry a handgun in any vehicle or on or about the person's body ~~except~~
 6 ~~in the person's dwelling, on the person's property or fixed place of~~
 7 ~~business, without a license issued being licensed~~ under this chapter
 8 ~~being in the person's possession: to carry a handgun.~~
 9 **(b) Except as provided in subsection (c), a person may carry a**
 10 **handgun without being licensed under this chapter to carry a**
 11 **handgun if:**
 12 **(1) the person carries the handgun on or about the person's**
 13 **body in or on property that is owned, leased, rented, or**
 14 **otherwise legally controlled by the person;**
 15 **(2) the person carries the handgun on or about the person's**
 16 **body while lawfully present in or on property that is owned,**
 17 **leased, rented, or otherwise legally controlled by another**

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person, if the person:

(A) has the consent of the owner, renter, lessor, or person who legally controls the property to have the handgun on the premises;

(B) is attending a firearms related event on the property, including a gun show, firearms expo, gun owner's club or convention, hunting club, shooting club, or training course; or

(C) the person is on the property to receive firearms related services, including the repair, maintenance, or modification of a firearm;

(3) the person carries the handgun in a vehicle that is owned, leased, rented, or otherwise legally controlled by the person, if the handgun is:

(A) unloaded;

(B) not readily accessible; and

(C) secured in a case;

(4) the person carries the handgun while lawfully present in a vehicle that is owned, leased, rented, or otherwise legally controlled by another person, if the handgun is:

(A) unloaded;

(B) not readily accessible; and

(C) secured in a case; or

(5) the person carries the handgun:

(A) at a shooting range (as defined in IC 14-22-31.5-3);

(B) while attending a firearms instructional course; or

(C) while engaged in a legal hunting activity.

~~(b)~~ (c) Unless the person's right to possess a firearm has been restored under IC 35-47-4-7, a person who has been convicted of domestic battery under IC 35-42-2-1.3 may not possess or carry a handgun. in any vehicle or on or about the person's body in the person's dwelling or on the person's property or fixed place of business.

(d) This section may be not construed:

(1) to prohibit a person who owns, leases, rents, or otherwise legally controls private property from regulating or prohibiting the possession of firearms on the private property;

(2) to allow a person to adopt or enforce an ordinance, resolution, policy, or rule that:

(A) prohibits; or

(B) has the effect of prohibiting;

an employee of the person from possessing a firearm or

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1 **ammunition that is locked in the trunk of the employee's**
 2 **vehicle, kept in the glove compartment of the employee's**
 3 **locked vehicle, or stored out of plain sight in the employee's**
 4 **locked vehicle, unless the person's adoption or enforcement of**
 5 **the ordinance, resolution, policy, or rule is allowed under**
 6 **IC 34-28-7-2(b); or**
 7 **(3) to allow a person to adopt or enforce a law, statute,**
 8 **ordinance, resolution, policy, or rule that allows a person to**
 9 **possess or transport a firearm or ammunition if the person is**
 10 **prohibited from possessing or transporting the firearm or**
 11 **ammunition by state or federal law.**

12 SECTION 2. IC 35-47-2-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. Section 1 of this
 14 chapter does not apply to:

- 15 (1) marshals;
- 16 (2) sheriffs;
- 17 (3) the commissioner of the department of correction or persons
- 18 authorized by ~~him~~ **the commissioner** in writing to carry firearms;
- 19 (4) judicial officers;
- 20 (5) law enforcement officers;
- 21 (6) members of the armed forces of the United States or of the
- 22 national guard or organized reserves while they are on duty;
- 23 (7) regularly enrolled members of any organization duly
- 24 authorized to purchase or receive such weapons from the United
- 25 States or from this state who are at or are going to or from their
- 26 place of assembly or target practice;
- 27 (8) employees of the United States duly authorized to carry
- 28 handguns;
- 29 (9) employees of express companies when engaged in company
- 30 business; **or**
- 31 (10) any person engaged in the business of manufacturing,
- 32 repairing, or dealing in firearms or the agent or representative of
- 33 any such person having in ~~his~~ **the person's** possession, using, or
- 34 carrying a handgun in the usual or ordinary course of that
- 35 business. ~~or~~
- 36 ~~(11) any person while carrying a handgun unloaded and in a~~
- 37 ~~secure wrapper from the place of purchase to his dwelling or fixed~~
- 38 ~~place of business; or to a place of repair or back to his dwelling or~~
- 39 ~~fixed place of business; or in moving from one dwelling or~~
- 40 ~~business to another.~~

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 506, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 506 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 506 be amended to read as follows:

Page 1, line 5, reset in roman "in any vehicle or".

Page 1, line 10, delete "on or about the person's body".

Page 1, delete lines 12 through 17, begin a new line block indented and insert:

"(1) the person carries the handgun on or about the person's body in or on property that is owned, leased, rented, or otherwise legally controlled by the person;

(2) the person carries the handgun on or about the person's body while lawfully present in or on property that is owned, leased, rented, or otherwise legally controlled by another person, if the person:

(A) has the consent of the owner, renter, lessor, or person who legally controls the property;

(B) is attending a firearms related event on the property, including a gun show, firearms expo, gun owner's club or convention, hunting club, shooting club, or training course; or

(C) the person is on the property to receive firearms related services, including the repair, maintenance, or modification of a firearm;

(3) the person carries the handgun in a vehicle that is owned, leased, rented, or otherwise legally controlled by the person, if the handgun is:

(A) unloaded;

(B) not readily accessible; and

(C) secured in a case;

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(4) the person carries the handgun while lawfully present in a vehicle that is owned, leased, rented, or otherwise legally controlled by another person, if the handgun is:

- (A) unloaded;
- (B) not readily accessible; and
- (C) secured in a case; or

(5) the person carries the handgun:

- (A) at a shooting range (as defined in IC 14-22-31.5-3);
- (B) while attending a firearms instructional course; or
- (C) while engaged in a legal hunting activity."

Page 2, delete lines 1 through 11.

(Reference is to SB 506 as printed January 28, 2011.)

TOMES

SENATE MOTION

Madam President: I move that Senate Bill 506 be recommitted to a Committee of One, consisting of Senator Tomes, with specific instruction to amend said bill as follows:

Page 2, line 3, after "property" insert "**to have the handgun on the premises**"

(Reference is to SB 506 as reprinted February 16, 2011.)

STEELE

COMMITTEE REPORT

Madam President: Your Committee of One, to which was referred Senate Bill 506, begs leave to report that said Bill has been amended as directed.

TOMES, Chairperson

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COMMITTEE REPORT

Madam President: Your Committee on Rules and Legislative Procedure, to which was referred the Motion to recommit Senate Bill 506, to a Committee of One, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said Motion be adopted.

LONG

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 506, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 37, delete "or".

Page 3, line 6, delete "IC 34-28-7-2(b)." and insert "**IC 34-28-7-2(b); or**".

Page 3, between lines 6 and 7, begin a new line block indented and insert:

"(3) to allow a person to adopt or enforce a law, statute, ordinance, resolution, policy, or rule that allows a person to possess or transport a firearm or ammunition if the person is prohibited from possessing or transporting the firearm or ammunition by state or federal law."

and when so amended that said bill do pass.

(Reference is to SB 506 as reprinted, incorporated 3rd reading amendment, April 1, 2011.)

DAVIS, Chair

Committee Vote: yeas 11, nays 0.

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