HOUSE BILL No. 1546

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2.

Synopsis: Handgun possession. Allows a person to carry a handgun on or about the person's body 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, or in a vehicle, that is owned, leased, rented, or otherwise legally controlled by another person; (3) the person is carrying the handgun at a shooting range, while attending a firearms instructional course, or while engaged in a legal hunting activity; or (4) 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.

Effective: July 1, 2011.

VanNatter, Morris, Eberhart

January 20, 2011, read first time and referred to Committee on Public Policy.

C o p y

Introduced

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.

C o p y

HOUSE BILL No. 1546

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:

SECTION 1. IC 35-47-2-1, AS AMENDED BY P.L.118-2007, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except as provided in ~~subsection~~ **subsections** (b) **and (c)** and section 2 of this chapter, a person shall not carry a handgun ~~in any vehicle or~~ on or about the person's body ~~except in the person's dwelling, on the person's property or fixed place of business,~~ without ~~a license issued~~ **being licensed** under this chapter ~~being in the person's possession.~~ **to carry a handgun.**

(b) Except as provided in subsection (c), a person may carry a handgun on or about the person's body without being licensed under this chapter to carry a handgun if:

(1) the person is:

(A) in or on property; or

(B) in a vehicle;

that is owned, leased, rented, or otherwise legally controlled by the person;

(2) the person is lawfully present:

(A) in or on private property; or
(B) in a vehicle;
that is owned, leased, rented, or otherwise legally controlled by another person;
(3) the person is carrying 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; or
(4) the handgun is:
(A) unloaded; and
(B) securely wrapped.

~~(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; or
(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 ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of plain sight in the employee's locked vehicle, unless the person's adoption or enforcement of the ordinance, resolution, policy, or rule is allowed under IC 34-28-7-2(b).

SECTION 2. IC 35-47-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. Section 1 of this chapter does not apply to:
(1) marshals;
(2) sheriffs;
(3) the commissioner of the department of correction or persons authorized by ~~him~~ **the commissioner** in writing to carry firearms;
(4) judicial officers;
(5) law enforcement officers;
(6) members of the armed forces of the United States or of the

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national guard or organized reserves while they are on duty;

(7) regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state who are at or are going to or from their place of assembly or target practice;

(8) employees of the United States duly authorized to carry handguns;

(9) employees of express companies when engaged in company business; **or**

(10) any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in ~~his~~ **the person's** possession, using, or carrying a handgun in the usual or ordinary course of that business. ~~or~~

~~(11) any person while carrying a handgun unloaded and in a secure wrapper from the place of purchase to his dwelling or fixed place of business, or to a place of repair or back to his dwelling or fixed place of business, or in moving from one dwelling or business to another.~~

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