



February 22, 2013

SENATE BILL No. 555

DIGEST OF SB 555 (Updated February 20, 2013 1:25 pm - DI 106)

Citations Affected: IC 10-13; IC 14-16; IC 35-47.

Synopsis: Indiana firearms reciprocity license. Allows a person to obtain an Indiana firearms reciprocity license to carry a handgun in Indiana in addition to or as an alternative to obtaining a qualified or an unlimited license to carry a handgun. Provides that, in addition to submitting information required to obtain a qualified or an unlimited license to carry a handgun, to obtain an Indiana firearms reciprocity license, a person must also submit: (1) a recent dated photograph of the person; (2) evidence of the person's general familiarity with firearms; and (3) if the person is not a resident of Indiana, evidence that the person resides in a state that recognizes the validity of the Indiana firearms reciprocity license or otherwise has reciprocity with Indiana's handgun license law. Specifies that for a person to show evidence of general familiarity with firearms, the person must show that the person has received training in: (1) the safe loading, unloading, storage, and carrying of firearms, including handguns; and (2) current laws defining the lawful use of firearms by a private citizen. Provides that a person may satisfy the general familiarity requirement by: (1) successfully completing a firearms safety or training course conducted by a national, state, or local firearms training organization approved by the superintendent of the state police department; (2) successfully completing a firearms safety or training course with a licensed Indiana firearms instructor; or (3) obtaining experience with firearms by participating in organized shooting competitions, performing law enforcement activities, or performing military service, as approved by the superintendent of the state police department. Allows a person to obtain an Indiana firearms instructor license. Establishes qualifications for obtaining a firearms instructor license. Makes conforming amendments.

Effective: July 1, 2013.

Hershman

January 14, 2013, read first time and referred to Committee on Judiciary.
February 21, 2013, amended, reported favorably — Do Pass.

SB 555—LS 7276/DI 69+



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February 22, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 555

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 10-13-3-40, AS ADDED BY P.L.190-2006,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 40. (a) The department may use the appropriations
4 described in subsection (b) for either or both of the following purposes:
5 (1) Operating and maintaining the central repository for criminal
6 history data.
7 (2) Establishing, operating, or maintaining an electronic log to
8 record the sale of drugs containing ephedrine or pseudoephedrine
9 in accordance with IC 35-48-4-14.7.
10 (b) If the amount of money that is deposited in the state general fund
11 during a state fiscal year from handgun license fees (as described in
12 IC 35-47-2-4 **and IC 35-47-2-4.5**) exceeds one million one hundred
13 thousand dollars (\$1,100,000), the excess is appropriated from the state
14 general fund to the department for the purposes described in subsection
15 (a). An appropriation under this section is subject to allotment by the
16 budget agency.
17 SECTION 2. IC 14-16-1-23, AS AMENDED BY P.L.35-2011,

SB 555—LS 7276/DI 69+



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2013]: Sec. 23. (a) An individual shall not operate a vehicle
3 under any of the following conditions:

4 (1) At a rate of speed greater than is reasonable and proper having
5 due regard for existing conditions or in a manner that
6 unnecessarily endangers the person or property of another.

7 (2) While:

8 (A) under the influence of an alcoholic beverage; or

9 (B) unlawfully under the influence of a narcotic or other habit
10 forming or dangerous depressant or stimulant drug.

11 (3) During the hours from thirty (30) minutes after sunset to thirty
12 (30) minutes before sunrise without displaying a lighted headlight
13 and a lighted taillight.

14 (4) In a forest nursery, a planting area, or public land posted or
15 reasonably identified as an area of forest or plant reproduction
16 and when growing stock may be damaged.

17 (5) On the frozen surface of public waters within:

18 (A) one hundred (100) feet of an individual not in or upon a
19 vehicle; or

20 (B) one hundred (100) feet of a fishing shanty or shelter;
21 except at a speed of not more than five (5) miles per hour.

22 (6) Unless the vehicle is equipped with a muffler in good working
23 order and in constant operation to prevent excessive or unusual
24 noise and annoying smoke.

25 (7) Within one hundred (100) feet of a dwelling between midnight
26 and 6:00 a.m., except on the individual's own property or property
27 under the individual's control or as an invited guest.

28 (8) On any property without the consent of the landowner or
29 tenant.

30 (9) While transporting on or in the vehicle a firearm, unless the
31 firearm is:

32 (A) unloaded; and

33 (B) securely encased or equipped with and made inoperative
34 by a manufactured keylocked trigger housing mechanism.

35 (10) On or across a cemetery or burial ground.

36 (11) Within one hundred (100) feet of a slide, ski, or skating area,
37 except for the purpose of servicing the area.

38 (12) On a railroad track or railroad right-of-way, except railroad
39 personnel in the performance of duties.

40 (13) In or upon a flowing river, stream, or creek, except for the
41 purpose of crossing by the shortest possible route, unless the
42 river, stream, or creek is of sufficient water depth to permit

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1 movement by flotation of the vehicle at all times.

2 (14) An individual shall not operate a vehicle while a bow is
3 present in or on the vehicle if the nock of an arrow is in position
4 on the string of the bow.

5 (b) Subsection (a)(9) does not apply to a person who is carrying a
6 firearm:

7 (1) if:

8 (A) the firearm is a handgun; and

9 (B) the person has been issued an:

10 (i) unlimited handgun license; **or**

11 (ii) **Indiana firearms reciprocity license;**

12 to carry a handgun under IC 35-47-2;

13 (2) if:

14 (A) the firearm is a handgun; and

15 (B) the person is not required to possess a license to carry a
16 handgun under IC 35-47-2-2; or

17 (3) if the person carrying the firearm is operating the vehicle on
18 property that the person:

19 (A) owns;

20 (B) has a contractual interest in;

21 (C) otherwise legally possesses; or

22 (D) has permission from a person described in clauses (A)
23 through (C) to possess a firearm on.

24 SECTION 3. IC 35-47-2-1, AS AMENDED BY P.L.6-2012,
25 SECTION 231, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as provided in
27 subsections (b) and (c) and section 2 of this chapter, a person shall not
28 carry a handgun in any vehicle or on or about the person's body without
29 being licensed under **section 3 or 3.5 of** this chapter to carry a
30 handgun.

31 (b) Except as provided in subsection (c), a person may carry a
32 handgun without being licensed under this chapter to carry a handgun
33 if:

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

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

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

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- 1 premises;
- 2 (B) is attending a firearms related event on the property,
- 3 including a gun show, firearms expo, gun owner's club or
- 4 convention, hunting club, shooting club, or training course; or
- 5 (C) is on the property to receive firearms related services,
- 6 including the repair, maintenance, or modification of a
- 7 firearm;
- 8 (3) the person carries the handgun in a vehicle that is owned,
- 9 leased, rented, or otherwise legally controlled by the person, if the
- 10 handgun is:
- 11 (A) unloaded;
- 12 (B) not readily accessible; and
- 13 (C) secured in a case;
- 14 (4) the person carries the handgun while lawfully present in a
- 15 vehicle that is owned, leased, rented, or otherwise legally
- 16 controlled by another person, if the handgun is:
- 17 (A) unloaded;
- 18 (B) not readily accessible; and
- 19 (C) secured in a case; or
- 20 (5) the person carries the handgun:
- 21 (A) at a shooting range (as defined in IC 14-22-31.5-3);
- 22 (B) while attending a firearms instructional course; or
- 23 (C) while engaged in a legal hunting activity.
- 24 (c) Unless the person's right to possess a firearm has been restored
- 25 under IC 35-47-4-7, a person who has been convicted of domestic
- 26 battery under IC 35-42-2-1.3 may not possess or carry a handgun.
- 27 (d) This section may be not construed:
- 28 (1) to prohibit a person who owns, leases, rents, or otherwise
- 29 legally controls private property from regulating or prohibiting the
- 30 possession of firearms on the private property;
- 31 (2) to allow a person to adopt or enforce an ordinance, resolution,
- 32 policy, or rule that:
- 33 (A) prohibits; or
- 34 (B) has the effect of prohibiting;
- 35 an employee of the person from possessing a firearm or
- 36 ammunition that is locked in the trunk of the employee's vehicle,
- 37 kept in the glove compartment of the employee's locked vehicle,
- 38 or stored out of plain sight in the employee's locked vehicle,
- 39 unless the person's adoption or enforcement of the ordinance,
- 40 resolution, policy, or rule is allowed under IC 34-28-7-2(b); or
- 41 (3) to allow a person to adopt or enforce a law, statute, ordinance,
- 42 resolution, policy, or rule that allows a person to possess or

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1 transport a firearm or ammunition if the person is prohibited from
2 possessing or transporting the firearm or ammunition by state or
3 federal law.

4 SECTION 4. IC 35-47-2-3, AS AMENDED BY P.L.34-2010,
5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2013]: Sec. 3. (a) A person desiring a **qualified or an**
7 **unlimited** license to carry a handgun shall apply:

- 8 (1) to the chief of police or corresponding law enforcement officer
- 9 of the municipality in which the applicant resides;
- 10 (2) if that municipality has no such officer, or if the applicant does
- 11 not reside in a municipality, to the sheriff of the county in which
- 12 the applicant resides after the applicant has obtained an
- 13 application form prescribed by the superintendent; or
- 14 (3) if the applicant is a resident of another state and has a regular
- 15 place of business or employment in Indiana, to the sheriff of the
- 16 county in which the applicant has a regular place of business or
- 17 employment.

18 The superintendent and local law enforcement agencies shall allow an
19 applicant desiring to obtain or renew a license to carry a handgun to
20 submit an application electronically under this chapter if funds are
21 available to establish and maintain an electronic application system.

22 (b) The law enforcement agency which accepts an application for a
23 handgun license shall collect the following application fees:

- 24 (1) From a person applying for a four (4) year handgun license, a
- 25 ten dollar (\$10) application fee, five dollars (\$5) of which shall be
- 26 refunded if the license is not issued.
- 27 (2) From a person applying for a lifetime handgun license who
- 28 does not currently possess a valid Indiana handgun license, a fifty
- 29 dollar (\$50) application fee, thirty dollars (\$30) of which shall be
- 30 refunded if the license is not issued.
- 31 (3) From a person applying for a lifetime handgun license who
- 32 currently possesses a valid Indiana handgun license, a forty dollar
- 33 (\$40) application fee, thirty dollars (\$30) of which shall be
- 34 refunded if the license is not issued.

35 Except as provided in subsection (h), the fee shall be deposited into the
36 law enforcement agency's firearms training fund or other appropriate
37 training activities fund and used by the agency to train law enforcement
38 officers in the proper use of firearms or in other law enforcement
39 duties, or to purchase firearms, firearm related equipment, or body
40 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers
41 employed by the law enforcement agency. The state board of accounts
42 shall establish rules for the proper accounting and expenditure of funds

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1 collected under this subsection.

2 (c) The officer to whom the application is made shall ascertain the
 3 applicant's name, full address, length of residence in the community,
 4 whether the applicant's residence is located within the limits of any city
 5 or town, the applicant's occupation, place of business or employment,
 6 criminal record, if any, and convictions (minor traffic offenses
 7 excepted), age, race, sex, nationality, date of birth, citizenship, height,
 8 weight, build, color of hair, color of eyes, scars, and marks, whether the
 9 applicant has previously held an Indiana license to carry a handgun
 10 and, if so, the serial number of the license and year issued, whether the
 11 applicant's license has ever been suspended or revoked, and if so, the
 12 year and reason for the suspension or revocation, and the applicant's
 13 reason for desiring a license. The officer to whom the application is
 14 made shall conduct an investigation into the applicant's official records
 15 and verify thereby the applicant's character and reputation, and shall in
 16 addition verify for accuracy the information contained in the
 17 application, and shall forward this information together with the
 18 officer's recommendation for approval or disapproval and one (1) set
 19 of legible and classifiable fingerprints of the applicant to the
 20 superintendent.

21 (d) The superintendent may make whatever further investigation the
 22 superintendent deems necessary. Whenever disapproval is
 23 recommended, the officer to whom the application is made shall
 24 provide the superintendent and the applicant with the officer's complete
 25 and specific reasons, in writing, for the recommendation of
 26 disapproval.

27 (e) If it appears to the superintendent that the applicant:

- 28 (1) has a proper reason for carrying a handgun;
- 29 (2) is of good character and reputation;
- 30 (3) is a proper person to be licensed; and
- 31 (4) is:

32 (A) a citizen of the United States; or

33 (B) not a citizen of the United States but is allowed to carry a
 34 firearm in the United States under federal law;

35 the superintendent shall issue to the applicant a qualified or an
 36 unlimited license to carry any handgun lawfully possessed by the
 37 applicant. The original license shall be delivered to the licensee. A
 38 copy shall be delivered to the officer to whom the application for
 39 license was made. A copy shall be retained by the superintendent for
 40 at least four (4) years in the case of a four (4) year license. The
 41 superintendent may adopt guidelines to establish a records retention
 42 policy for a lifetime license. A four (4) year license shall be valid for

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1 a period of four (4) years from the date of issue. A lifetime license is
 2 valid for the life of the individual receiving the license. The license of
 3 police officers, sheriffs or their deputies, and law enforcement officers
 4 of the United States government who have been honorably retired by
 5 a lawfully created pension board or its equivalent after twenty (20) or
 6 more years of service, shall be valid for the life of these individuals.
 7 However, a lifetime license is automatically revoked if the license
 8 holder does not remain a proper person.

9 (f) At the time a license is issued and delivered to a licensee under
 10 subsection (e), the superintendent shall include with the license
 11 information concerning handgun safety rules that:

12 (1) neither opposes nor supports an individual's right to bear
 13 arms; and

14 (2) is:

15 (A) recommended by a nonprofit educational organization that
 16 is dedicated to providing education on safe handling and use
 17 of firearms;

18 (B) prepared by the state police department; and

19 (C) approved by the superintendent.

20 The superintendent may not deny a license under this section because
 21 the information required under this subsection is unavailable at the
 22 time the superintendent would otherwise issue a license. The state
 23 police department may accept private donations or grants to defray the
 24 cost of printing and mailing the information required under this
 25 subsection.

26 (g) A license to carry a handgun shall not be issued to any person
 27 who:

28 (1) has been convicted of a felony;

29 (2) has had a license to carry a handgun suspended, unless the
 30 person's license has been reinstated;

31 (3) is under eighteen (18) years of age;

32 (4) is under twenty-three (23) years of age if the person has been
 33 adjudicated a delinquent child for an act that would be a felony if
 34 committed by an adult; or

35 (5) has been arrested for a Class A or Class B felony, or any other
 36 felony that was committed while armed with a deadly weapon or
 37 that involved the use of violence, if a court has found probable
 38 cause to believe that the person committed the offense charged.

39 In the case of an arrest under subdivision (5), a license to carry a
 40 handgun may be issued to a person who has been acquitted of the
 41 specific offense charged or if the charges for the specific offense are
 42 dismissed. The superintendent shall prescribe all forms to be used in

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- 1 connection with the administration of this chapter.
- 2 (h) If the law enforcement agency that charges a fee under
3 subsection (b) is a city or town law enforcement agency, the fee shall
4 be deposited in the law enforcement continuing education fund
5 established under IC 5-2-8-2.
- 6 (i) If a person who holds a valid license to carry a handgun issued
7 under this chapter:
- 8 (1) changes the person's name;
9 (2) changes the person's address; or
10 (3) experiences a change, including an arrest or a conviction, that
11 may affect the person's status as a proper person (as defined in
12 IC 35-47-1-7) or otherwise disqualify the person from holding a
13 license;
14 the person shall, not later than thirty (30) days after the date of a
15 change described under subdivision (3), and not later than sixty (60)
16 days after the date of the change described under subdivision (1) or (2),
17 notify the superintendent, in writing, of the event described under
18 subdivision (3) or, in the case of a change under subdivision (1) or (2),
19 the person's new name or new address.
- 20 (j) The state police shall indicate on the form for a license to carry
21 a handgun the notification requirements of subsection (i).
- 22 (k) The state police department shall adopt rules under IC 4-22-2 to
23 implement an electronic application system under subsection (a). Rules
24 adopted under this section must require the superintendent to keep on
25 file one (1) set of classifiable and legible fingerprints from every
26 person who has received a license to carry a handgun so that a person
27 who applies to renew a license will not be required to submit an
28 additional set of fingerprints.
- 29 (l) Except as provided in subsection (m), for purposes of
30 IC 5-14-3-4(a)(1), the following information is confidential, may not
31 be published, and is not open to public inspection:
- 32 (1) Information submitted by a person under this section to:
33 (A) obtain; or
34 (B) renew;
35 a license to carry a handgun.
- 36 (2) Information obtained by a federal, state, or local government
37 entity in the course of an investigation concerning a person who
38 applies to:
39 (A) obtain; or
40 (B) renew;
41 a license to carry a handgun issued under this chapter.
- 42 (3) The name, address, and any other information that may be

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1 used to identify a person who holds a license to carry a handgun
2 issued under this chapter.

3 (m) Notwithstanding subsection (l):

4 (1) any information concerning an applicant for or a person who
5 holds a license to carry a handgun issued under this chapter may
6 be released to a federal, state, or local government entity:

7 (A) for law enforcement purposes; or

8 (B) to determine the validity of a license to carry a handgun;
9 and

10 (2) general information concerning the issuance of licenses to
11 carry handguns in Indiana may be released to a person conducting
12 journalistic or academic research, but only if all personal
13 information that could disclose the identity of any person who
14 holds a license to carry a handgun issued under this chapter has
15 been removed from the general information.

16 SECTION 5. IC 35-47-2-3.5 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 2013]: **Sec. 3.5. (a) A person desiring an Indiana firearms
19 reciprocity license to carry a handgun shall apply:**

20 **(1) to the chief of police or corresponding law enforcement
21 officer of the municipality in which the applicant resides;**

22 **(2) if:**

23 **(A) a municipality does not have a chief of police or law
24 enforcement officer described in subdivision (1); or**

25 **(B) the applicant does not reside in a municipality;
26 to the sheriff of the county in which the applicant resides after
27 the applicant has obtained an application form prescribed by
28 the superintendent;**

29 **(3) if the applicant:**

30 **(A) is a resident of another state; and**

31 **(B) has a regular place of business or employment in
32 Indiana;**

33 **to the sheriff of the county in which the applicant has a
34 regular place of business or employment; or**

35 **(4) if the applicant:**

36 **(A) is a resident of another state; and**

37 **(B) does not have a regular place of business or
38 employment in Indiana;**

39 **to the superintendent.**

40 **The superintendent and local law enforcement agencies shall allow
41 an applicant desiring to obtain or renew an Indiana firearms
42 reciprocity license to submit an application electronically under**

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1 this chapter if funds are available to establish and maintain an
2 electronic application system.

3 (b) A law enforcement agency that accepts an application for an
4 Indiana firearms reciprocity license shall collect a fifty dollar (\$50)
5 application fee from the applicant. The fee:

6 (1) shall be deposited into the law enforcement agency's
7 firearms training fund or other appropriate training activities
8 fund and used by the agency to:

- 9 (A) train law enforcement officers in:
 - 10 (i) the proper use of firearms; or
 - 11 (ii) other law enforcement duties; or

- 12 (B) purchase:
 - 13 (i) firearms;
 - 14 (ii) firearm related equipment; or
 - 15 (iii) body armor (as defined in IC 35-47-5-13(a));
- 16 for the law enforcement officers employed by the law
17 enforcement agency; or

18 (2) if the law enforcement agency is a city or town law
19 enforcement agency, shall be deposited in the local law
20 enforcement continuing education fund established under
21 IC 5-2-8-2.

22 The state board of accounts shall establish rules for the proper
23 accounting and expenditure of funds collected under this
24 subsection.

25 (c) An applicant for an Indiana firearms reciprocity license shall
26 submit the following information to the appropriate law
27 enforcement officer or superintendent under subsection (a):

28 (1) The applicant's name, full address, length of residence in
29 the community, and whether the applicant's residence is
30 located within the limits of any city or town.

31 (2) The applicant's occupation or place of business or
32 employment.

33 (3) The applicant's criminal record, if any, and convictions
34 (except for minor traffic offenses excepted).

35 (4) The applicant's age, race, sex, nationality, date of birth,
36 citizenship, height, weight, build, color of hair, color of eyes,
37 scars, and marks.

38 (5) Whether the applicant has previously held an Indiana
39 license to carry a handgun issued under this chapter and, if
40 so:

41 (A) the serial number of the license and the year the license
42 was issued;

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- 1 (B) whether the applicant's license has ever been
- 2 suspended or revoked; and
- 3 (C) if the applicant's license was ever suspended or
- 4 revoked, the year of and the reason for the suspension or
- 5 revocation.
- 6 (6) The applicant's reason for desiring the license.
- 7 (7) One (1) recent dated photograph of the applicant.
- 8 (8) One (1) set of legible and classifiable fingerprints of the
- 9 applicant.
- 10 (9) Evidence of the applicant's general familiarity with
- 11 firearms as described in subsections (d) and (e).
- 12 (10) If the applicant is not a resident of Indiana, evidence that
- 13 the applicant:
- 14 (A) holds a current firearms license or permit issued by the
- 15 appropriate licensing or permitting authority of the
- 16 nonresident applicant's state of residency; and
- 17 (B) resides in a state that:
- 18 (i) recognizes the validity of the Indiana firearms
- 19 reciprocity license; or
- 20 (ii) otherwise has reciprocity with Indiana's handgun
- 21 license law.
- 22 The law enforcement officer to whom the application is made or
- 23 the superintendent shall conduct an investigation into the
- 24 applicant's official records to verify the applicant's character and
- 25 reputation. If a law enforcement officer conducts the investigation,
- 26 the officer shall verify for accuracy the information contained in
- 27 the application and forward the information together with the
- 28 officer's recommendation for approval or disapproval and one (1)
- 29 set of legible and classifiable fingerprints of the applicant to the
- 30 superintendent.
- 31 (d) Evidence of general familiarity with firearms described in
- 32 subsection (c)(9) includes training in:
- 33 (1) the safe loading, unloading, storage, and carrying of
- 34 firearms, including handguns; and
- 35 (2) current laws defining the lawful use of firearms by a
- 36 private citizen, including lawful:
- 37 (A) self-defense;
- 38 (B) use of force by a private citizen, including use of deadly
- 39 force;
- 40 (C) transportation; and
- 41 (D) concealment.
- 42 (e) An applicant may satisfy the general familiarity requirement

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- 1 of subsection (c)(9) by doing one (1) of the following:
- 2 (1) Successfully completing a firearms safety or training
- 3 course conducted by a national, state, or local firearms
- 4 training organization approved by the superintendent.
- 5 (2) Successfully completing a firearms safety or training
- 6 course with a firearms instructor licensed under section 17.5
- 7 of this chapter.
- 8 (3) Obtaining experience with firearms that is equivalent to
- 9 experience obtained in training courses described in
- 10 subdivision (1) or (2) by:
- 11 (A) participating in organized shooting competitions;
- 12 (B) performing law enforcement activities; or
- 13 (C) performing military service;
- 14 as approved by the superintendent.
- 15 A firearms training course described in this subsection must be
- 16 conducted in person and may not be conducted through electronic
- 17 or other remote means.
- 18 (f) The superintendent may make whatever further investigation
- 19 the superintendent considers necessary. Whenever disapproval is
- 20 recommended, the law enforcement officer to whom the
- 21 application is made shall provide the superintendent and the
- 22 applicant with the officer's complete and specific reasons, in
- 23 writing, for the recommendation of disapproval.
- 24 (g) If it appears to the superintendent that the applicant:
- 25 (1) has a proper reason for carrying a handgun;
- 26 (2) is of good character and reputation;
- 27 (3) is a proper person to be licensed; and
- 28 (4) is:
- 29 (A) a citizen of the United States; or
- 30 (B) not a citizen of the United States but is allowed to carry
- 31 a firearm in the United States under federal law;
- 32 the superintendent shall issue to the applicant an Indiana firearms
- 33 reciprocity license to carry any handgun lawfully possessed by the
- 34 applicant in Indiana. The original license shall be delivered to the
- 35 licensee. A copy shall be delivered to the officer to whom the
- 36 application for license was made. A copy shall be retained by the
- 37 superintendent for at least four (4) years.
- 38 (h) An Indiana firearms reciprocity license may not be issued to
- 39 any person who:
- 40 (1) has been convicted of a felony;
- 41 (2) has had any license to carry a handgun suspended, unless
- 42 the person's license has been reinstated;

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1 (3) is less than twenty-one (21) years of age;
 2 (4) is less than twenty-three (23) years of age if the person has
 3 been adjudicated a delinquent child for an act that would be
 4 a felony if committed by an adult; or
 5 (5) has been arrested for a Class A felony or Class B felony, or
 6 any other felony that was committed while armed with a
 7 deadly weapon or that involved the use of violence, if a court
 8 has found probable cause to believe that the person
 9 committed the offense charged. In the case of an arrest under
 10 this subdivision, an Indiana firearms reciprocity license may
 11 be issued to a person who has been acquitted of the specific
 12 offense charged or if the charges for the specific offense are
 13 dismissed.

14 (i) The superintendent shall prescribe all forms to be used in
 15 connection with the administration of this chapter.

16 (j) If a person who holds a valid Indiana firearms reciprocity
 17 license issued under this section:

- 18 (1) changes the person's name;
- 19 (2) changes the person's address; or
- 20 (3) experiences a change, including an arrest or a conviction,
 21 that may affect the person's status as a proper person (as
 22 defined in IC 35-47-1-7) or otherwise disqualify the person
 23 from holding a license;

24 the person shall, not later than thirty (30) days after the date of a
 25 change described under subdivision (3), and not later than sixty
 26 (60) days after the date of the change described under subdivision
 27 (1) or (2), notify the superintendent, in writing, of the event
 28 described under subdivision (3) or, in the case of a change under
 29 subdivision (1) or (2), the person's new name or new address. The
 30 state police department shall indicate on the form for an Indiana
 31 firearms reciprocity license the notification requirements of this
 32 subsection.

33 (k) The state police department shall adopt rules under
 34 IC 4-22-2 to implement this section. Rules adopted under this
 35 section must require the superintendent to keep on file one (1) set
 36 of legible and classifiable fingerprints from every person who has
 37 received an Indiana firearms reciprocity license so that a person
 38 who applies to renew a license will not be required to submit an
 39 additional set of fingerprints.

40 (l) An Indiana firearms reciprocity license issued under this
 41 section must be:

- 42 (1) of a different color; or

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1 (2) otherwise distinctively marked;
2 so that the Indiana firearms reciprocity license is easily
3 distinguishable from a four (4) year or lifetime qualified or
4 unlimited license to carry a handgun issued under section 3 of this
5 chapter.

6 (m) Except as provided in subsection (n), for purposes of
7 IC 5-14-3-4(a)(1), the following information is confidential, may
8 not be published, and is not open to public inspection:

9 (1) Information submitted by a person under this section to:
10 (A) obtain; or
11 (B) renew;
12 an Indiana firearms reciprocity license.

13 (2) Information obtained by a federal, state, or local
14 government entity in the course of an investigation concerning
15 a person who applies to:

16 (A) obtain; or
17 (B) renew;
18 an Indiana firearms reciprocity license issued under this
19 chapter.

20 (3) The name, address, and any other information that may be
21 used to identify a person who holds an Indiana firearms
22 reciprocity license issued under this chapter.

23 (n) Notwithstanding subsection (m):

24 (1) any information concerning an applicant for or a person
25 who holds an Indiana firearms reciprocity license issued
26 under this chapter may be released to a federal, state, or local
27 government entity:

28 (A) for law enforcement purposes; or
29 (B) to determine the validity of the license; and

30 (2) general information concerning the issuance of Indiana
31 firearms reciprocity licenses may be released to a person
32 conducting journalistic or academic research, but only if all
33 personal information that could disclose the identity of any
34 person who holds a license issued under this chapter has been
35 removed from the general information.

36 SECTION 6. IC 35-47-2-4, AS AMENDED BY P.L.155-2007,
37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2013]: Sec. 4. (a) Licenses to carry handguns **issued under**
39 **section 3 of this chapter** shall be either qualified or unlimited, and are
40 valid for:

41 (1) four (4) years from the date of issue in the case of a four (4)
42 year license; or

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1 (2) the life of the individual receiving the license in the case of a
2 lifetime license.
3 A qualified license shall be issued for hunting and target practice. The
4 superintendent may adopt rules imposing limitations on the use and
5 carrying of handguns under a license when handguns are carried by a
6 licensee as a condition of employment. Unlimited licenses shall be
7 issued for the purpose of the protection of life and property.
8 (b) In addition to the application fee, the fee for:
9 (1) a qualified license shall be:
10 (A) five dollars (\$5) for a four (4) year qualified license;
11 (B) twenty-five dollars (\$25) for a lifetime qualified license
12 from a person who does not currently possess a valid Indiana
13 handgun license; or
14 (C) twenty dollars (\$20) for a lifetime qualified license from
15 a person who currently possesses a valid Indiana handgun
16 license; and
17 (2) an unlimited license shall be:
18 (A) thirty dollars (\$30) for a four (4) year unlimited license;
19 (B) seventy-five dollars (\$75) for a lifetime unlimited license
20 from a person who does not currently possess a valid Indiana
21 handgun license; or
22 (C) sixty dollars (\$60) for a lifetime unlimited license from a
23 person who currently possesses a valid Indiana handgun
24 license.
25 The superintendent shall charge a twenty dollar (\$20) fee for the
26 issuance of a duplicate license to replace a lost or damaged license.
27 These fees shall be deposited in accordance with subsection (e).
28 (c) Licensed dealers are exempt from the payment of fees specified
29 in subsection (b) for a qualified license or an unlimited license.
30 (d) The following officers of this state or the United States who have
31 been honorably retired by a lawfully created pension board or its
32 equivalent after at least twenty (20) years of service or because of a
33 disability are exempt from the payment of fees specified in subsection
34 (b):
35 (1) Police officers.
36 (2) Sheriffs or their deputies.
37 (3) Law enforcement officers.
38 (4) Correctional officers.
39 (e) Fees collected under this section shall be deposited in the state
40 general fund.
41 (f) The superintendent may not issue a lifetime qualified license or
42 a lifetime unlimited license to a person who is a resident of another

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1 state. The superintendent may issue a four (4) year qualified license or
 2 a four (4) year unlimited license to a person who is a resident of
 3 another state and who has a regular place of business or employment
 4 in Indiana as described in section 3(a)(3) of this chapter.

5 SECTION 7. IC 35-47-2-4.5 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2013]: **Sec. 4.5. (a) Indiana firearms reciprocity licenses issued
 8 under section 3.5 of this chapter:**

- 9 (1) are valid for four (4) years from the date of issue; and
 10 (2) shall be issued for the purpose of the protection of life and
 11 property.

12 **(b) In addition to the application fee:**

- 13 (1) the fee for an Indiana firearms reciprocity license shall be
 14 thirty dollars (\$30); and
 15 (2) the fee for the issuance of a duplicate license to replace a
 16 lost or damaged license shall be twenty dollars (\$20).

17 **Fees collected under this subsection shall be deposited in the state
 18 general fund.**

19 **(c) The following officers of Indiana or the United States who
 20 have been honorably retired by a lawfully created pension board
 21 or its equivalent after at least twenty (20) years of service or
 22 because of a disability are exempt from the payment of fees
 23 specified in subsection (b):**

- 24 (1) Police officers.
 25 (2) Sheriffs or their deputies.
 26 (3) Law enforcement officers.
 27 (4) Correctional officers.

28 SECTION 8. IC 35-47-2-4.8 IS ADDED TO THE INDIANA CODE
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 30 1, 2013]: **Sec. 4.8. (a) A person may:**

- 31 (1) apply for; and
 32 (2) hold;

33 **a valid Indiana firearms reciprocity license issued under section 3.5
 34 of this chapter at the same time the person holds a valid four (4)
 35 year or lifetime qualified or unlimited license to carry a handgun
 36 issued under section 3 of this chapter.**

37 **(b) Except as provided in section 4(f) of this chapter, a person
 38 may:**

- 39 (1) apply for; and
 40 (2) hold;

41 **a valid four (4) year or lifetime qualified or unlimited license to
 42 carry a handgun issued under section 3 of this chapter at the same**

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1 **time the person holds a valid Indiana firearms reciprocity license**
2 **issued under section 3.5 of this chapter.**

3 SECTION 9. IC 35-47-2-5, AS AMENDED BY P.L.1-2006,
4 SECTION 535, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) The superintendent may
6 suspend or revoke any license issued under this chapter if ~~he~~ **the**
7 **superintendent** has reasonable grounds to believe that the person's
8 license should be suspended or revoked.

9 (b) Documented evidence that a person:
10 (1) is not a "proper person" to be licensed as defined by
11 IC 35-47-1-7; or
12 (2) is prohibited under section 3(g)(5) or 3.5(h)(5) of this chapter
13 from being issued a license;

14 shall be grounds for immediate suspension or revocation of a license
15 previously issued under this chapter. However, if a license is suspended
16 or revoked based solely on an arrest under section 3(g)(5) or 3.5(h)(5)
17 of this chapter, the license shall be reinstated upon the acquittal of the
18 defendant in that case or upon the dismissal of the charges for the
19 specific offense.

20 (c) A person who fails to promptly return ~~his~~ **the person's** license
21 after written notice of suspension or revocation commits a Class A
22 misdemeanor. The observation of a handgun license in the possession
23 of a person whose license has been suspended or revoked constitutes
24 a sufficient basis for the arrest of that person for violation of this
25 subsection.

26 (d) The superintendent shall establish rules under IC 4-22-2
27 concerning the procedure for suspending or revoking a person's license.

28 SECTION 10. IC 35-47-2-17.5 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2013]: Sec. 17.5. (a) **A person desiring to**
31 **obtain a firearms instructor license shall apply to the**
32 **superintendent on forms prescribed by the superintendent.**

33 (b) **An applicant for license as a firearms instructor must:**

34 (1) **be at least twenty-one (21) years of age;**
35 (2) **have completed a firearms instruction training course**
36 **conducted by:**

37 (A) **a national, state, or local firearms instructor training**
38 **organization approved by the superintendent; or**

39 (B) **the state police department;**

40 (3) **have:**

41 (A) **taken a course of instruction; and**

42 (B) **passed a test;**

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1 as described in subsection (c); and

2 (4) possess a valid license to carry a handgun issued under this
3 chapter.

4 (c) To obtain an initial firearms instructor license or renew a
5 license under this section, a person must:

6 (1) attend an instructional course:

7 (A) provided by:

8 (i) the state police department; or

9 (ii) a person under contract to the state police
10 department;

11 that is conducted at least two (2) times every calendar
12 year; and

13 (B) that includes instruction on current Indiana and
14 federal law related to firearms, including the lawful use of
15 deadly force by private citizens; and

16 (2) pass a test based on the instructional course that is
17 conducted by the state police department at least two (2) times
18 every calendar year.

19 (d) A firearms instructor license is valid for four (4) years from
20 the date of issuance.

21 (e) An individual who applies:

22 (1) for an initial firearms instructor license shall pay an
23 application fee of fifty dollars (\$50); and

24 (2) to renew a firearms instructor license shall pay an
25 application fee of twenty-five dollars (\$25);

26 to the state police department. The state police department may
27 use fees paid under this subsection to cover the cost incurred in
28 maintaining and improving the firearms instructor course required
29 for licensed instructors under subsection (c).

30 (f) A licensed firearms instructor shall provide each of the
31 instructor's students with a course of instruction in firearms safety
32 and training approved by the superintendent.

33 (g) A licensed firearms instructor shall provide a signed
34 certificate to a person who successfully completes the course of
35 instruction described in subsection (f). The instructor shall sign the
36 certificate with the exact name indicated on the instructor's
37 firearms instructor license issued by the superintendent under this
38 section.

39 (h) A person applying for an Indiana firearms reciprocity
40 license under section 3.5 of this chapter may use a signed certificate
41 provided to the person under subsection (g) to provide evidence of
42 the person's general familiarity with firearms as required under

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section 3.5(c)(9) of this chapter.

(i) The superintendent may deny, suspend, or revoke the license of a licensed firearms instructor if the superintendent has reason to believe the licensed firearms instructor has:

(1) become ineligible to possess a firearm under state or federal law; or

(2) provided false information to the superintendent.

(j) A person who knowingly or intentionally provides false information to the superintendent under this section commits a Class B misdemeanor.

SECTION 11. IC 35-47-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 23. (a) A person who **knowingly or intentionally** violates section 3, **3.5**, 4, **4.5**, 5, 14, 15, or 16, or **17.5** of this chapter commits a Class B misdemeanor.

(b) A person who **knowingly or intentionally** violates section 7, 17, or 18 of this chapter commits a Class C felony.

(c) A person who **knowingly or intentionally** violates section 1 of this chapter commits a Class A misdemeanor. However, the offense is a Class C felony:

(1) if the offense is committed:

(A) on or in school property;

(B) within one thousand (1,000) feet of school property; or

(C) on a school bus; or

(2) if the person:

(A) has a prior conviction of any offense under:

(i) this subsection; or

(ii) subsection (d); or

(B) has been convicted of a felony within fifteen (15) years before the date of the offense.

(d) A person who **knowingly or intentionally** violates section 22 of this chapter commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior conviction of any offense under this subsection or subsection (c), or if the person has been convicted of a felony within fifteen (15) years before the date of the offense.

SECTION 12. IC 35-47-2.5-1, AS AMENDED BY P.L.190-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) This chapter does not apply to the following:

(1) Transactions between persons who are licensed as firearms importers or collectors or firearms manufacturers or dealers under 18 U.S.C. 923.

(2) Purchases by or sales to a law enforcement officer or agent of

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1 the United States, the state, or a county or local government.
2 (3) Indiana residents licensed to carry handguns under
3 IC 35-47-2-3 or **IC 35-47-2-3.5**.
4 (b) Notwithstanding any other provision of this chapter, the state
5 shall participate in the NICS if federal funds are available to assist the
6 state in participating in the NICS. If:
7 (1) the state participates in the NICS; and
8 (2) there is a conflict between:
9 (A) a provision of this chapter; and
10 (B) a procedure required under the NICS;
11 the procedure required under the NICS prevails over the conflicting
12 provision of this chapter.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 555, 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:

Page 13, between lines 39 and 40, begin a new paragraph and insert:

"(l) An Indiana firearms reciprocity license issued under this section must be:

- (1) of a different color; or**
- (2) otherwise distinctively marked;**

so that the Indiana firearms reciprocity license is easily distinguishable from a four (4) year or lifetime qualified or unlimited license to carry a handgun issued under section 3 of this chapter."

Page 13, line 40, delete "(l)" and insert "(m)".

Page 13, line 40, delete "(m)," and insert "(n)".

Page 14, line 15, delete "(m)" and insert "(n)".

Page 14, line 15, delete "(l):" and insert "(m):".

Page 16, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 8. IC 35-47-2-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.8. (a) A person may:

- (1) apply for; and**
- (2) hold;**

a valid Indiana firearms reciprocity license issued under section 3.5 of this chapter at the same time the person holds a valid four (4) year or lifetime qualified or unlimited license to carry a handgun issued under section 3 of this chapter.

(b) Except as provided in section 4(f) of this chapter, a person may:

- (1) apply for; and**
- (2) hold;**

a valid four (4) year or lifetime qualified or unlimited license to carry a handgun issued under section 3 of this chapter at the same time the person holds a valid Indiana firearms reciprocity license issued under section 3.5 of this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 555 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 6, Nays 1.

SB 555—LS 7276/DI 69+



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