

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1296

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 5-2-1-9, AS AMENDED BY P.L.187-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

- (1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.
- (2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.
- (3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.
- (4) Minimum standards for a course of study on cultural diversity awareness, including training on the U nonimmigrant visa created



through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with autism, mental illness, addictive disorders, intellectual disabilities, and developmental disabilities;

(B) missing endangered adults (as defined in IC 12-7-2-131.3); and

(C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board. The training must include an overview of the crisis intervention teams.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.



- (F) Rights of and protections afforded to victims.
- (G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.
- (H) The availability of community resources to assist human and sexual trafficking victims.
- (11) Minimum standards for ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims. This training must include instruction on:
 - (A) the neurobiology of trauma;
 - (B) trauma informed interviewing; and
 - (C) investigative techniques.
- (12) Minimum standards for de-escalation training. De-escalation training shall be taught as a part of existing use-of-force training and not as a separate topic.
- (b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.
- (c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.
- (d) Except as provided in subsections (e), (m), (t), and (u), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:
 - (1) make an arrest;
 - (2) conduct a search or a seizure of a person or property; or
 - (3) carry a firearm;
 unless the law enforcement officer successfully completes, at a board



certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

(1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or

(2) an:

(A) attorney; or

(B) investigator;

designated by the securities commissioner as a police officer of the state under IC 23-19-6-1(k).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

(1) law enforcement officers;

(2) police reserve officers (as described in IC 36-8-3-20); and

(3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, de-escalation training, interacting with individuals with autism, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) Subject to subsection (h), the board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers and police reserve officers (as described in IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time



basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include de-escalation training. Inservice training must also include training in interacting with persons with mental illness, addictive disorders, intellectual disabilities, autism, developmental disabilities, and Alzheimer's disease or related senile dementia, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking and high risk missing persons (as defined in IC 5-2-17-1). The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either an emergency situation or the unavailability of courses.

(h) This subsection applies only to a mandatory inservice training program under subsection (g). Notwithstanding subsection (g), the board may, without adopting rules under IC 4-22-2, modify the course work of a training subject matter, modify the number of hours of training required within a particular subject matter, or add a new subject matter, if the board satisfies the following requirements:

- (1) The board must conduct at least two (2) public meetings on the proposed modification or addition.
- (2) After approving the modification or addition at a public meeting, the board must post notice of the modification or addition on the Indiana law enforcement academy's Internet web site at least thirty (30) days before the modification or addition takes effect.

If the board does not satisfy the requirements of this subsection, the modification or addition is void. This subsection does not authorize the board to eliminate any inservice training subject matter required under subsection (g).

(i) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.



(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(6) The program must require training in interacting with individuals with autism.

(j) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force and de-escalation training.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(k) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(l) A police chief who fails to comply with subsection (k) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (k), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department



established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(m) A fire investigator in the department of homeland security appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(n) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by ~~IC 11-13-1-3.5(3)~~: **IC 11-13-1-3.5(2)**.

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) has not been employed as a law enforcement officer for:
 - (A) at least two (2) years; and
 - (B) less than six (6) years before the officer is hired under subdivision (1); and
- (3) completed at any time a basic training course certified or recognized by the board before the officer is hired under subdivision (1).

(p) An officer to whom subsection (o) applies must successfully complete the refresher course described in subsection (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

- (1) arrest;
- (2) search; and
- (3) seizure.

(q) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is appointed by an Indiana law enforcement department or agency as a reserve police officer; and
- (2) has not worked as a reserve police officer for at least two (2) years after:
 - (A) completing the pre-basic course; or
 - (B) leaving the individual's last appointment as a reserve police officer.

An officer to whom this subsection applies must successfully complete the refresher course established by the board in order to work as a reserve police officer.



(r) This subsection applies to an individual who, at the time the individual completes a board certified or recognized basic training course, has not been appointed as a law enforcement officer by an Indiana law enforcement department or agency. If the individual is not employed as a law enforcement officer for at least two (2) years after completing the basic training course, the individual must successfully retake and complete the basic training course as set forth in subsection (d).

(s) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an individual who:

- (1) is appointed as a board certified instructor of law enforcement training; and
- (2) has not provided law enforcement training instruction for more than one (1) year after the date the individual's instructor certification expired.

An individual to whom this subsection applies must successfully complete the refresher course established by the board in order to renew the individual's instructor certification.

(t) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(u) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(v) As used in this section, "upper level policymaking position" refers to the following:

- (1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.
- (2) If the authorized size of the department or town marshal



system is more than ten (10) members but less than fifty-one (51) members, the term refers to:

- (A) the position held by the police chief or town marshal; and
 - (B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.
- (3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:
- (A) the position held by the police chief or town marshal; and
 - (B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(w) This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

- (1) the officer successfully completes the pre-basic course described in subsection (f); and
- (2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.

(x) This subsection applies only to the sexual assault training described in subsection (a)(11). The board shall:

- (1) consult with experts on the neurobiology of trauma, trauma informed interviewing, and investigative techniques in developing the sexual assault training; and
- (2) develop the sexual assault training and begin offering the training not later than July 1, 2022.

(y) After July 1, 2023, a law enforcement officer who regularly investigates sexual assaults involving adult victims must complete the training requirements described in subsection (a)(11) within one (1) year of being assigned to regularly investigate sexual assaults involving adult victims.

(z) A law enforcement officer who regularly investigates sexual assaults involving adult victims may complete the training requirements described in subsection (a)(11) by attending a:

- (1) statewide or national training; or
- (2) department hosted local training.

(aa) Notwithstanding any other provisions of this section, the board is authorized to establish certain required standards of training and procedure.

SECTION 2. IC 11-13-1-3.5, AS AMENDED BY P.L.4-2017,



SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3.5. A probation officer may not carry a handgun ~~as described in IC 35-47-2-1~~ **in any vehicle or on or about the probation officer's body** while acting in the scope of employment as a probation officer unless all of the following conditions are met:

- (1) The appointing court enters an order authorizing the probation officer to carry the handgun while on duty.
- ~~(2) The probation officer is issued a license to carry the handgun under IC 35-47-2.~~
- ~~(3)~~ **(2)** The probation officer successfully completes a handgun safety course certified by the law enforcement training board under IC 5-2-1-9(n).

SECTION 3. IC 14-16-1-23, AS AMENDED BY P.L.35-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 23. (a) An individual shall not operate a vehicle under any of the following conditions:

- (1) At a rate of speed greater than is reasonable and proper having due regard for existing conditions or in a manner that unnecessarily endangers the person or property of another.
- (2) While:
 - (A) under the influence of an alcoholic beverage; or
 - (B) unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant drug.
- (3) During the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise without displaying a lighted headlight and a lighted taillight.
- (4) In a forest nursery, a planting area, or public land posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.
- (5) On the frozen surface of public waters within:
 - (A) one hundred (100) feet of an individual not in or upon a vehicle; or
 - (B) one hundred (100) feet of a fishing shanty or shelter; except at a speed of not more than five (5) miles per hour.
- (6) Unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.
- (7) Within one hundred (100) feet of a dwelling between midnight and 6:00 a.m., except on the individual's own property or property under the individual's control or as an invited guest.
- (8) On any property without the consent of the landowner or tenant.



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

- (A) unloaded; and
- (B) securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.

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

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

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

(13) In or upon a flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless the river, stream, or creek is of sufficient water depth to permit movement by flotation of the vehicle at all times.

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

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

(1) if:

- (A) the firearm is a handgun; and
- (B) the person ~~has been issued an unlimited handgun license to carry a handgun under IC 35-47-2;~~ **is not otherwise prohibited from possessing a firearm under state or federal law;**

~~(2) if:~~

- ~~(A) the firearm is a handgun; and~~
- ~~(B) the person is not required to possess a license to carry a handgun under IC 35-47-2-2; or~~

~~(3) (2) if the person carrying the firearm is operating the vehicle on property that the person:~~

- ~~(A) owns;~~
- ~~(B) has a contractual interest in;~~
- ~~(C) otherwise legally possesses; or~~
- ~~(D) has permission from a person described in clauses (A) through (C) to possess a firearm on.~~

SECTION 4. IC 31-30-1-4, AS AMENDED BY P.L.28-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

- (1) IC 35-41-5-1(a) (attempted murder);
- (2) IC 35-42-1-1 (murder);



- (3) IC 35-42-3-2 (kidnapping);
- (4) IC 35-42-4-1 (rape);
- (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
- (6) IC 35-42-5-1 (robbery) if:
 - (A) the robbery was committed while armed with a deadly weapon; or
 - (B) the robbery results in bodily injury or serious bodily injury;
- (7) IC 35-42-5-2 (carjacking) (before its repeal);
- (8) ~~IC 35-47-2-1 (carrying a handgun without a license); if charged as a felony;~~ **IC 35-47-2-1.5 (unlawful carrying of a handgun), if charged as a felony;**
- (9) IC 35-47-10 (children and firearms), if charged as a felony; or
- (10) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in this subsection;

if the individual was at least sixteen (16) years of age but less than eighteen (18) years of age at the time of the alleged violation.

(b) Once an individual described in subsection (a) has been charged with any offense listed in subsection (a), the court having adult criminal jurisdiction shall retain jurisdiction over the case if the individual pleads guilty to or is convicted of any offense listed in subsection (a)(1) through (a)(9).

(c) If:

- (1) an individual described in subsection (a) is charged with one (1) or more offenses listed in subsection (a);
- (2) all the charges under subsection (a)(1) through (a)(9) resulted in an acquittal or were dismissed; and
- (3) the individual pleads guilty to or is convicted of any offense other than an offense listed in subsection (a)(1) through (a)(9);

the court having adult criminal jurisdiction may withhold judgment and transfer jurisdiction to the juvenile court for adjudication and disposition. In determining whether to transfer jurisdiction to the juvenile court for adjudication and disposition, the court having adult criminal jurisdiction shall consider whether there are appropriate services available in the juvenile justice system, whether the child is amenable to rehabilitation under the juvenile justice system, and whether it is in the best interests of the safety and welfare of the community that the child be transferred to juvenile court. All orders concerning release conditions remain in effect until a juvenile court detention hearing, which must be held not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, after the order of transfer of jurisdiction.



SECTION 5. IC 35-31.5-2-78, AS AMENDED BY P.L.40-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 78. "Crime of domestic violence", for purposes of IC 5-2-6.1, IC 35-38-9, **IC 35-47-2-1.5**, and IC 35-47-4-7, means an offense or the attempt to commit an offense that:

- (1) has as an element the:
 - (A) use of physical force; or
 - (B) threatened use of a deadly weapon; and
- (2) is committed against a family or household member, as defined in section 128 of this chapter.

SECTION 6. IC 35-33-1-1, AS AMENDED BY P.L.65-2016, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

- (1) a warrant commanding that the person be arrested;
- (2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;
- (3) probable cause to believe the person has violated the provisions of IC 9-26-1-1.1 or IC 9-30-5;
- (4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;
- (5) probable cause to believe the person has committed a:
 - (A) battery resulting in bodily injury under IC 35-42-2-1; or
 - (B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

- (6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;
- (7) probable cause to believe that the person violated ~~IC 35-47-2-1 (carrying a handgun without a license)~~ **IC 35-47-2-1.5 (unlawful carrying of a handgun)** or IC 35-47-2-22 (counterfeit handgun license);
- (8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;
- (9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device);
- (10) probable cause to believe that the person is:
 - (A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and



(B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5);

(11) probable cause to believe that the person has committed theft (IC 35-43-4-2);

(12) a removal order issued for the person by an immigration court;

(13) a detainer or notice of action for the person issued by the United States Department of Homeland Security; or

(14) probable cause to believe that the person has been indicted for or convicted of one (1) or more aggravated felonies (as defined in 8 U.S.C. 1101(a)(43)).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.

SECTION 7. IC 35-43-4-2, AS AMENDED BY P.L.70-2021, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A person who knowingly or intentionally exerts unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use, commits theft, a Class A misdemeanor. However, the offense is:

(1) a Level 6 felony if:

(A) the value of the property is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000);

(B) the property is a:

~~(i) firearm;~~

~~(ii) (i)~~ motor vehicle (as defined in IC 9-13-2-105(a)); or

~~(iii) (ii)~~ component part (as defined in IC 9-13-2-34) of a motor vehicle; or

(C) the person has a prior unrelated conviction for:

(i) theft under this section;

(ii) criminal conversion under section 3 of this chapter;

(iii) robbery under IC 35-42-5-1; or

(iv) burglary under IC 35-43-2-1; ~~and~~

(2) a Level 5 felony if:

(A) the value of the property is at least fifty thousand dollars



(\$50,000);

(B) the property that is the subject of the theft is a valuable metal (as defined in IC 25-37.5-1-1) and:

- (i) relates to transportation safety;
- (ii) relates to public safety; or
- (iii) is taken from a hospital or other health care facility, telecommunications provider, public utility (as defined in IC 32-24-1-5.9(a)), or critical infrastructure facility;

and the absence of the property creates a substantial risk of bodily injury to a person; or

(C) the property is a:

- (i) motor vehicle (as defined in IC 9-13-2-105(a)); or
- (ii) component part (as defined in IC 9-13-2-34) of a motor vehicle; and

the person has a prior unrelated conviction for theft of a motor vehicle (as defined in IC 9-13-2-105(a)) or theft of a component part (as defined in IC 9-13-2-34); **and**

(3) a Level 5 felony if the property is a firearm.

(b) For purposes of this section, "the value of property" means:

- (1) the fair market value of the property at the time and place the offense was committed; or
- (2) if the fair market value of the property cannot be satisfactorily determined, the cost to replace the property within a reasonable time after the offense was committed.

A price tag or price marking on property displayed or offered for sale constitutes prima facie evidence of the value of the property.

(c) If the offense described in subsection (a) is committed by a public servant who exerted unauthorized control over public funds (as defined by IC 5-22-2-23) from the public servant's employer, the employer may be reimbursed in accordance with IC 2-3.5-4-11, IC 2-3.5-5-9, IC 5-10-5.5-19, IC 5-10.3-8-9, IC 5-10.4-5-14, IC 10-12-2-10, IC 33-38-6-19.5, IC 33-39-7-10.5, IC 36-8-6-14, IC 36-8-7-22, IC 36-8-7.5-19, or IC 36-8-8-17.

SECTION 8. IC 35-47-2-1, AS AMENDED BY P.L.221-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) ~~Except as provided in subsections (b) and (c) and sections 2 through 2.1 of this chapter, a person shall not carry a handgun in any vehicle or on or about the person's body without being licensed under this chapter to carry a handgun. A person who meets the following requirements may carry a handgun in the manner described in subsection (b):~~

- (1) The person is not prohibited from possessing or carrying



a handgun under federal law as in effect on January 1, 2022.

(2) Notwithstanding section 1.5 of this chapter, the person is not otherwise prohibited under state law from possessing or carrying a handgun.

(3) The person does not meet the requirements under IC 35-47-2-3 to receive a license to carry a handgun in Indiana.

(b) ~~Except as provided in subsection (c);~~ A person may carry a handgun without being licensed under this chapter to carry a handgun if:

(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 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) 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. **or**



(6) the person is permitted to carry a handgun without a license under section 2.1 of this chapter (persons protected by a protection order);

(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.

(d) (c) This section **chapter** may not be 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 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); or

(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.

(d) Nothing in this chapter may be construed to affect the status or validity of a five (5) year or lifetime license to carry a handgun issued by the superintendent before July 1, 2022. Any license described under this subsection shall remain valid for the duration of the license or the lifetime of the licensee, as applicable.

(e) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 5 felony:

(1) if the offense is committed:

(A) on or in school property;

(B) within five hundred (500) 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 section; or

(ii) section 22 of this chapter; or

(B) has been convicted of a felony within fifteen (15) years



~~before the date of the offense.~~

SECTION 9. IC 35-47-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1.5. (a) The following terms are defined for this section:

(1) "Adjudicated a mental defective" means a determination by a court that a person:

- (A) presents a danger to the person or to others; or
- (B) lacks the mental capacity necessary to contract or manage the person's affairs.

The term includes a finding of insanity by a court in a criminal proceeding.

(2) "Alien" means any person who is not lawfully in the United States. The term includes:

- (A) any person who has:
 - (i) entered the United States without inspection and authorization by an immigration officer; and
 - (ii) not been paroled into the United States under the federal Immigration and Nationality Act;
- (B) a nonimmigrant:
 - (i) whose authorized period of stay has expired; or
 - (ii) who has violated the terms of the nonimmigrant category under which the person was admitted;
- (C) a person paroled under the federal Immigration and Nationality Act whose period of parole has:
 - (i) expired; or
 - (ii) been terminated; and
- (D) a person subject to an order:
 - (i) of deportation, exclusion, or removal; or
 - (ii) to depart the United States voluntarily;

regardless of whether or not the person has left the United States.

(3) "Committed to a mental institution" means the formal commitment of a person to a mental institution by a court.

The term includes:

- (A) a commitment for:
 - (i) a cognitive or mental defect; or
 - (ii) a mental illness; and
- (B) involuntary commitments.

The term does not include voluntary commitments or a commitment made for observational purposes.

(4) "Crime of domestic violence" has the meaning set forth in



IC 35-31.5-2-78.

(5) "Dangerous" has the meaning set forth in IC 35-47-14-1.

(6) "Fugitive from justice" means any person who:

- (A) flees or leaves from any state to avoid prosecution for a felony or misdemeanor offense; or**
- (B) flees or leaves any state to avoid testifying in a criminal proceeding.**

(7) "Indictment" means any formal accusation of a crime made by a prosecuting attorney in any court for a crime punishable by a term of imprisonment exceeding one (1) year.

(8) A crime or offense "punishable by a term of imprisonment exceeding one (1) year" does not include a federal or state crime or offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices.

(b) Except as provided in subsections (c) and (d), the following persons may not knowingly or intentionally carry a handgun:

(1) A person convicted of a federal or state offense punishable by a term of imprisonment exceeding one (1) year.

(2) A fugitive from justice.

(3) An alien.

(4) A person convicted of:

- (A) a crime of domestic violence (IC 35-31.5-2-78);**
- (B) domestic battery (IC 35-42-2-1.3); or**
- (C) criminal stalking (IC 35-45-10-5).**

(5) A person restrained by an order of protection issued under IC 34-26-5.

(6) A person under indictment.

(7) A person who has been:

- (A) adjudicated dangerous under IC 35-47-14-6;**
- (B) adjudicated a mental defective; or**
- (C) committed to a mental institution.**

(8) A person dishonorably discharged from:

- (A) military service; or**
- (B) the National Guard.**

(9) A person who renounces the person's United States citizenship in the manner described in 8 U.S.C. 1481.

(10) A person who is less than:

- (A) eighteen (18) years of age; or**
- (B) twenty-three (23) years of age and has an adjudication as a delinquent child for an act described by IC 35-47-4-5; unless authorized under IC 35-47-10.**



(c) Subsection (b)(4)(A) and (b)(4)(B) does not apply to a person if a court has restored the person's right to possess a firearm under IC 35-47-4-7.

(d) A person who has:

- (1) been adjudicated dangerous under IC 35-47-14-6; and
- (2) successfully petitioned for the return of a firearm under IC 35-47-14-8 with respect to the adjudication under subdivision (1);

is not prohibited from carrying a handgun under subsection (b) on the basis that the person was adjudicated dangerous under subdivision (1). However, the person may still be prohibited from carrying a handgun on one (1) or more of the other grounds listed in subsection (b).

(e) A person who violates this section commits unlawful carrying of a handgun, a Class A misdemeanor. However, the offense is a Level 5 felony if:

(1) the offense is committed:

- (A) on or in school property;
- (B) within five hundred (500) feet of school property; or
- (C) on a school bus; or

(2) the person:

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

- (i) this section;
- (ii) section 1 of this chapter (carrying a handgun without a license) (before its repeal); or
- (iii) section 22 of this chapter; or

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

SECTION 10. IC 35-47-2-2 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 2: Section † of this chapter does not apply to:

- (†) marshals;
- (2) sheriffs;
- (3) the commissioner of the department of correction or persons authorized by 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 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 the person's possession, using, or carrying a handgun in the usual or ordinary course of that business.

SECTION 11. IC 35-47-2-2.1 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 2.1: (a) As used in this section, "protection order" means a civil protection order issued under IC 34-26-5:

- (b) A person may carry a handgun without a license if the person:
 - (1) has applied for a license to carry a handgun as described in IC 35-47-2-3;
 - (2) is protected by a protection order;
 - (3) is at least eighteen (18) years of age; and
 - (4) is not otherwise barred by state or federal law from possessing a handgun;

during the period described in subsection (c):

- (c) A person described in subsection (b) may carry a handgun without a license for a period ending sixty (60) days after the date the protection order is issued.

SECTION 12. IC 35-47-2-3, AS AMENDED BY P.L.165-2021, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) A person desiring a license to carry who is at least eighteen (18) years of age and is not otherwise prohibited from carrying or possessing a handgun shall apply: under state or federal law is not required to obtain or possess a license or permit from the state to carry a handgun in Indiana. A resident of this state who wishes to carry a firearm in another state under a reciprocity agreement entered into by this state and another state may obtain a license to carry a handgun in Indiana under this chapter by applying:

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



county in which the applicant has a regular place of business or employment.

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

(b) This subsection applies before July 1, 2020. The law enforcement agency which accepts an application for a handgun license shall collect the following application fees:

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

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

(c) This subsection applies after June 30, 2020, and before July 1, 2021. The law enforcement agency which accepts an application for a handgun license shall not collect a fee from a person applying for a five (5) year handgun license and shall collect the following application fees:

- (1) From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a fifty dollar (\$50) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.
- (2) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar (\$40) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.



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

(d) This subsection applies after June 30, 2021. The law enforcement agency which accepts an application for a handgun license shall not collect a fee from a person applying for a handgun license.

(e) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. If the applicant is not a United States citizen, the officer to whom the application is made shall ascertain the applicant's country of citizenship, place of birth, and any alien or admission number issued by the United States Citizenship and Immigration Services or United States Customs and Border Protection or any successor agency as applicable. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent. An investigation conducted under this section must include the consulting of available local, state, and federal criminal history data banks, including the National Instant Criminal Background Check System (NICS), to determine whether possession of a firearm by an applicant would be a violation of state or federal law.

(f) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is



recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(g) If it appears to the superintendent that the applicant:

- (1) has a proper reason for ~~carrying a handgun~~; **receiving a license to carry a handgun**;
- (2) is of good character and reputation;
- (3) is a proper person to be licensed; and
- (4) is:
 - (A) a citizen of the United States; or
 - (B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a ~~qualified or an unlimited~~ license to carry ~~any a handgun lawfully possessed by the applicant~~ **in Indiana**. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least five (5) years in the case of a five (5) year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license. A five (5) year license shall be valid for a period of five (5) years from the date of issue. A lifetime license is valid for the life of the individual receiving the license. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have twenty (20) or more years of service shall be valid for the life of these individuals. However, a lifetime license is automatically revoked if the license holder does not remain a proper person.

(h) At the time a license is issued and delivered to a licensee under subsection (g), the superintendent shall include with the license information concerning ~~handgun~~ **firearms** safety rules that:

- (1) neither opposes nor supports an individual's right to bear arms; and
- (2) is:
 - (A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;
 - (B) prepared by the state police department; and
 - (C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state



police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

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

- (1) has been convicted of a felony;
- (2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;
- (3) is under eighteen (18) years of age;
- (4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult;
- (5) has been arrested for a Class A or Class B felony for an offense committed before July 1, 2014, for a Level 1, Level 2, Level 3, or Level 4 felony for an offense committed after June 30, 2014, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged; ~~or~~
- (6) is prohibited by federal law from possessing or receiving firearms under 18 U.S.C. 922(g); **or**
- (7) is described in IC 35-47-2-1.5, unless exempted by IC 35-47-2-1.5.**

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

(j) If the law enforcement agency that charges a fee under subsection (b) or (c) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(k) If a person who holds a valid license to carry a handgun issued under this chapter:

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

the person shall, not later than thirty (30) days after the date of a change described under subdivision (3), and not later than sixty (60)



days after the date of the change described under subdivision (1) or (2), notify the superintendent, in writing, of the event described under subdivision (3) or, in the case of a change under subdivision (1) or (2), the person's new name or new address.

(l) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (k).

(m) The state police department shall adopt rules under IC 4-22-2 to

(1) implement an electronic application system under subsection (a). ~~and~~

(2) ~~expedite the processing of an application made by a person described in section 2.1(b) of this chapter.~~

Rules adopted under this section must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

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

(1) Information submitted by a person under this section to:

(A) obtain; or

(B) renew;

a license to carry a handgun.

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

(A) obtain; or

(B) renew;

a license to carry a handgun issued under this chapter.

(3) The name, address, and any other information that may be used to identify a person who holds a license to carry a handgun issued under this chapter.

(o) Notwithstanding subsection (n):

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

(A) for law enforcement purposes; or

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

(2) general information concerning the issuance of licenses to carry handguns in Indiana may be released to a person conducting



journalistic or academic research, but only if all personal information that could disclose the identity of any person who holds a license to carry a handgun issued under this chapter has been removed from the general information.

(p) A person who holds a valid license to carry a handgun under this chapter is licensed to carry a handgun in Indiana.

~~(p)~~ **(q)** A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 13. IC 35-47-2-4, AS AMENDED BY P.L.165-2021, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) Licenses to carry handguns shall be either qualified or unlimited; and issued under section 3 of this chapter are valid for:

- (1) five (5) years from the date of issue in the case of a five (5) year license; or
- (2) the life of the individual receiving the license in the case of a lifetime license.

A qualified license shall be issued for hunting and target practice. An individual may separately apply for and simultaneously hold both a five (5) year license and a lifetime license. The superintendent may adopt rules imposing limitations on the use and carrying of handguns under a license when handguns are carried by a licensee as a condition of employment. Unlimited licenses shall be issued for the purpose of the protection of life and property.

(b) This subsection applies before July 1, 2020: In addition to the application fee, the fee for:

(1) a qualified license shall be:

- (A) five dollars (\$5) for a five (5) year qualified license;
- (B) twenty-five dollars (\$25) for a lifetime qualified license from a person who does not currently possess a valid Indiana handgun license; or
- (C) twenty dollars (\$20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and

(2) an unlimited license shall be:

- (A) thirty dollars (\$30) for a five (5) year unlimited license;
- (B) seventy-five dollars (\$75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; or
- (C) sixty dollars (\$60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.



The superintendent shall charge a twenty dollar (\$20) fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited in accordance with subsection (h).

(c) This subsection applies after June 30, 2020, and before July 1, 2021. In addition to the application fee, the fee for:

(1) a qualified license is:

(A) zero dollars (\$0) for a five (5) year qualified license;

(B) twenty-five dollars (\$25) for a lifetime qualified license from a person who does not currently possess a valid Indiana handgun license; and

(C) twenty dollars (\$20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and

(2) an unlimited license is:

(A) zero dollars (\$0) for a five (5) year unlimited license;

(B) seventy-five dollars (\$75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; and

(C) sixty dollars (\$60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.

The superintendent shall charge a twenty dollar (\$20) fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited in accordance with subsection (h).

(d) (b) This subsection applies after June 30, 2021. There is no fee for a qualified or unlimited license **to carry a handgun**. The superintendent shall charge a twenty dollar (\$20) fee for the issuance of a duplicate license to replace a lost or damaged license. This fee shall be deposited in accordance with subsection (h): (c).

(e) Licensed dealers are exempt from the payment of fees specified in subsections (b) and (c) for a qualified license or an unlimited license.

(f) The following officers of this state or the United States who have been honorably retired by a lawfully created pension board or its equivalent after at least twenty (20) years of service or because of a disability are exempt from the payment of fees specified in subsections (b) and (c):

(1) Police officers;

(2) Sheriffs or their deputies;

(3) Law enforcement officers;

(4) Correctional officers;

(g) The following officers described in section 3(g) of this chapter



who have at least twenty (20) years of service are exempt from the payment of fees for a lifetime qualified license or a lifetime unlimited license specified in subsections (b) and (c):

(1) Police officers;

(2) Sheriffs or their deputies;

(3) Law enforcement officers of the United States government;

(h) (c) Fees collected under this section shall be deposited in the state general fund.

(i) (d) The superintendent may not issue a lifetime ~~qualified license~~ or a lifetime ~~unlimited~~ license to a person who is a resident of another state. The superintendent may issue a five (5) year ~~qualified license~~ or a five (5) year ~~unlimited~~ license to a person who is a resident of another state and who has a regular place of business or employment in Indiana as described in section 3(a)(3) of this chapter.

(j) (e) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 14. IC 35-47-2-24 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 24. (a) ~~In an information or indictment brought for the enforcement of any provision of this chapter, it is not necessary to negate any exemption specified under this chapter, or to allege the absence of a license required under this chapter. The burden of proof is on the defendant to prove that he is exempt under section 2 of this chapter, or that he has a license as required under this chapter.~~

(b) ~~Whenever a person who has been arrested or charged with a violation of section 1 of this chapter presents a valid license to the prosecuting attorney or establishes that he is exempt under section 2 of this chapter, any prosecution for a violation of section 1 of this chapter shall be dismissed immediately, and all records of an arrest or proceedings following arrest shall be destroyed immediately.~~

SECTION 15. IC 35-47-2.5-1, AS AMENDED BY P.L.152-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) Sections 2 through 5 of this chapter do 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 the United States, the state, or a county or local government.

(3) ~~Indiana residents licensed to carry handguns under IC 35-47-2-3.~~ **in possession of a license described in IC 35-47-2-3.**

(b) Notwithstanding any other provision of this chapter, the state



shall participate in the NICS if federal funds are available to assist the state in participating in the NICS. If:

- (1) the state participates in the NICS; and
- (2) there is a conflict between:
 - (A) a provision of this chapter; and
 - (B) a procedure required under the NICS;

the procedure required under the NICS prevails over the conflicting provision of this chapter.

SECTION 16. IC 35-47-11.1-4, AS AMENDED BY P.L.147-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. This chapter may not be construed to prevent any of the following:

- (1) A law enforcement agency of a political subdivision from enacting and enforcing regulations pertaining to firearms, ammunition, or firearm accessories issued to or used by law enforcement officers in the course of their official duties.
- (2) Subject to IC 34-28-7-2, an employer from regulating or prohibiting the employees of the employer from carrying firearms and ammunition in the course of the employee's official duties.
- (3) A court or administrative law judge from hearing and resolving any case or controversy or issuing any opinion or order on a matter within the jurisdiction of the court or judge.
- (4) The enactment or enforcement of generally applicable zoning or business ordinances that apply to firearms businesses to the same degree as other similar businesses. However, a provision of an ordinance that is designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, or display of firearms, ammunition, or firearm accessories that is otherwise lawful under the laws of this state is void. A unit (as defined in IC 36-1-2-23) may not use the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within a prescribed distance of any other type of commercial property or of school property or other educational property.
- (5) Subject to IC 35-47-16-1, the enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in any building that contains the courtroom of a circuit, superior, city, town, or small claims court. However, if a portion of the building is occupied by a residential tenant or private business, any provision restricting or prohibiting the possession of a firearm does not apply to the portion of the building that is occupied by the residential tenant or private business, or to common areas of the building used by a residential tenant or private business.



- (6) The enactment or enforcement of a provision prohibiting or restricting the intentional display of a firearm at a public meeting.
- (7) The enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in a public hospital corporation that contains a secure correctional health unit that is staffed by a law enforcement officer twenty-four (24) hours a day.
- (8) The imposition of any restriction or condition placed on a person participating in:
 - (A) a community corrections program (IC 11-12-1);
 - (B) a forensic diversion program (IC 11-12-3.7); or
 - (C) a pretrial diversion program (IC 33-39-1).
- (9) The enforcement or prosecution of the offense of criminal recklessness (IC 35-42-2-2) involving the use of a firearm.
- (10) For an event occurring on property leased from a political subdivision or municipal corporation by the promoter or organizer of the event:
 - (A) the establishment, by the promoter or organizer, at the promoter's or organizer's own discretion, of rules of conduct or admission upon which attendance at or participation in the event is conditioned; or
 - (B) the implementation or enforcement of the rules of conduct or admission described in clause (A) by a political subdivision or municipal corporation in connection with the event.
- (11) The enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in a hospital established and operated under IC 16-22-2 or IC 16-23.
- (12) A unit from using the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within two hundred (200) feet of a school by a person having a business that did not sell firearms within two hundred (200) feet of a school before April 1, 1994.
- (13) Subject to IC 35-47-16-1, a unit (as defined in IC 36-1-2-23) from enacting or enforcing a provision prohibiting or restricting the possession of a firearm in a building owned or administered by the unit if:
 - (A) metal detection devices are located at each public entrance to the building;
 - (B) each public entrance to the building is staffed by at least one (1) law enforcement officer:
 - (i) who has been adequately trained to conduct inspections of persons entering the building by use of metal detection devices and proper physical pat down searches; and



- (ii) when the building is open to the public; and
 - (C) each:
 - (i) individual who enters the building through the public entrance when the building is open to the public; and
 - (ii) bag, package, and other container carried by the individual;
- is inspected by a law enforcement officer described in clause (B).

However, except as provided in subdivision (5) concerning a building that contains a courtroom, a unit may not prohibit or restrict the possession of a handgun under this subdivision in a building owned or administered by the unit if the person who possesses the handgun ~~has been issued a valid license to carry the handgun under IC 35-47-2~~ **is not otherwise prohibited from carrying or possessing a handgun.**

SECTION 17. IC 35-50-2-13, AS AMENDED BY P.L.84-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13. (a) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed an offense of dealing in a controlled substance under IC 35-48-4-1 through IC 35-48-4-4 sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person knowingly or intentionally:

- (1) used a firearm; or
 - (2) possessed a:
 - (A) handgun in violation of ~~IC 35-47-2-1~~; **IC 35-47-2-1.5**;
 - (B) sawed-off shotgun in violation of federal law; or
 - (C) machine gun in violation of IC 35-47-5-8;
- while committing the offense.

(b) If the person was convicted of the offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(c) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person knowingly or intentionally committed an offense as described in subsection (a), the court may sentence the person to an additional fixed term of imprisonment of not more than five (5) years, except as follows:

- (1) If the firearm is a sawed-off shotgun, the court may sentence the person to an additional fixed term of imprisonment of not more than ten (10) years.



(2) If the firearm is a machine gun or is equipped with a firearm silencer or firearm muffler, the court may sentence the person to an additional fixed term of imprisonment of not more than twenty (20) years. The additional sentence under this subdivision is in addition to any additional sentence imposed under section 11 of this chapter for use of a firearm in the commission of an offense.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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