
HOUSE BILL No. 1016

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2-3; IC 35-47-2-7.

Synopsis: Handgun permits and transfers. Prohibits the issuance of a license to carry a handgun to a person less than 21 years of age (instead of 18 years of age). Prohibits a person from transferring the ownership or possession of a handgun or an assault weapon to a person less than 21 years of age (instead of 18 years of age).

Effective: July 1, 2003.

Smith V

January 7, 2003, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

C
O
P
Y



Introduced

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

C
o
p
y

HOUSE BILL No. 1016

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 35-47-2-3, AS AMENDED BY P.L.120-2001,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 3. (a) A person desiring a license to carry a
4 handgun shall apply:
5 (1) to the chief of police or corresponding law enforcement officer
6 of the municipality in which the applicant resides;
7 (2) if that municipality has no such officer, or if the applicant does
8 not reside in a municipality, to the sheriff of the county in which
9 the applicant resides after the applicant has obtained an
10 application form prescribed by the superintendent; or
11 (3) if the applicant is a resident of another state and has a regular
12 place of business or employment in Indiana, to the sheriff of the
13 county in which the applicant has a regular place of business or
14 employment.
15 (b) The law enforcement agency which accepts an application for a
16 handgun license shall collect a ten dollar (\$10) application fee, five
17 dollars (\$5) of which shall be refunded if the license is not issued.

2003

IN 1016—LS 6190/DI 69+



1 Except as provided in subsection (h), the fee shall be:

2 (1) deposited into the law enforcement agency's firearms training
3 fund or other appropriate training activities fund; and

4 (2) used by the agency for the purpose of:

5 (A) training law enforcement officers in the proper use of
6 firearms or other law enforcement duties; or

7 (B) purchasing for the law enforcement officers employed by
8 the law enforcement agency firearms, or firearm related
9 equipment, or both.

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

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

31 (d) The superintendent may make whatever further investigation the
32 superintendent deems necessary. Whenever disapproval is
33 recommended, the officer to whom the application is made shall
34 provide the superintendent and the applicant with the officer's complete
35 and specific reasons, in writing, for the recommendation of
36 disapproval.

37 (e) If it appears to the superintendent that the applicant has a proper
38 reason for carrying a handgun and is of good character and reputation
39 and a proper person to be so licensed, the superintendent shall issue to
40 the applicant a qualified or an unlimited license to carry any handgun
41 lawfully possessed by the applicant. The original license shall be
42 delivered to the licensee. A copy shall be delivered to the officer to

C
o
p
y



1 whom the application for license was made. A copy shall be retained
 2 by the superintendent for at least four (4) years. This license shall be
 3 valid for a period of four (4) years from the date of issue. The license
 4 of police officers, sheriffs or their deputies, and law enforcement
 5 officers of the United States government who have been honorably
 6 retired by a lawfully created pension board or its equivalent after
 7 twenty (20) or more years of service, shall be valid for the life of such
 8 individuals. However, such lifetime licenses are automatically revoked
 9 if the license holder does not remain a proper person.

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

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

15 (2) is:

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

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

20 (C) approved by the superintendent.

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

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

29 (1) has been convicted of a felony;

30 (2) is under ~~eighteen (18)~~ **twenty-one (21)** years of age;

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

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

38 In the case of an arrest under subdivision (4), a license to carry a
 39 handgun may be issued to a person who has been acquitted of the
 40 specific offense charged or if the charges for the specific offense are
 41 dismissed. The superintendent shall prescribe all forms to be used in
 42 connection with the administration of this chapter.



C
O
P
Y

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

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

7 (1) changes the person's name; or

8 (2) changes the person's address;

9 the person shall, not later than sixty (60) days after the date of the
 10 change, notify the superintendent, in writing, of the person's new name
 11 or new address.

12 (j) The state police shall indicate on the form for a license to carry
 13 a handgun the notification requirements of subsection (i).

14 SECTION 2. IC 35-47-2-7 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) Except an
 16 individual acting within a parent-minor child or guardian-minor
 17 protected person relationship or any other individual who is also acting
 18 in compliance with IC 35-47-10, a person may not sell, give, or in any
 19 other manner transfer the ownership or possession of a handgun or
 20 assault weapon (as defined in IC 35-50-2-11) to any person under
 21 ~~eighteen (18)~~ **twenty-one (21)** years of age.

22 (b) It is unlawful for a person to sell, give, or in any manner transfer
 23 the ownership or possession of a handgun to another person who the
 24 person has reasonable cause to believe:

25 (1) has been:

26 (A) convicted of a felony; or

27 (B) adjudicated a delinquent child for an act that would be a
 28 felony if committed by an adult, if the person seeking to obtain
 29 ownership or possession of the handgun is less than
 30 twenty-three (23) years of age;

31 (2) is a drug abuser;

32 (3) is an alcohol abuser; or

33 (4) is mentally incompetent.

34 SECTION 3. [EFFECTIVE JULY 1, 2003] (a) **IC 35-47-2-3, as**
 35 **amended by this act, does not apply to a license to carry a handgun**
 36 **that was issued before July 1, 2003, to a person less than**
 37 **twenty-one (21) years of age.**

38 (b) **This SECTION expires July 1, 2007.**

C
O
P
Y

