

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 487, 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:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 35-47-1-2.5 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. As used in this chapter,**
- 5 **"conditional proceed" means a firearms transaction in which a**
- 6 **dealer may lawfully transfer a firearm to a person because the**
- 7 **state police department has not received disposition information**
- 8 **concerning the person."**
- 9 Delete pages 2 through 3.
- 10 Page 4, delete lines 1 through 10, begin a new paragraph and insert:
- 11 "SECTION 2. IC 35-47-2-3, AS AMENDED BY P.L.120-2001,
- 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2003]: **Sec. 3. (a) A person desiring a license to carry a**
- 14 **handgun shall apply:**
- 15 (1) to the chief of police or corresponding law enforcement officer
- 16 of the municipality in which the applicant resides;
- 17 (2) if that municipality has no such officer, or if the applicant does
- 18 not reside in a municipality, to the sheriff of the county in which
- 19 the applicant resides after the applicant has obtained an
- 20 application form prescribed by the superintendent; or
- 21 (3) if the applicant is a resident of another state and has a regular

1 place of business or employment in Indiana, to the sheriff of the
2 county in which the applicant has a regular place of business or
3 employment.

4 (b) The law enforcement agency which accepts an application for a
5 handgun license shall collect a ten dollar (\$10) application fee, five
6 dollars (\$5) of which shall be refunded if the license is not issued.
7 Except as provided in subsection (h), the fee shall be:

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

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

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

13 (B) purchasing for the law enforcement officers employed by
14 the law enforcement agency firearms, or firearm related
15 equipment, or both.

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

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

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

42 (e) If it appears to the superintendent that the applicant has a proper

1 reason for carrying a handgun, ~~and~~ is of good character and reputation
 2 and a proper person to be so licensed, **and is otherwise eligible to**
 3 **possess a firearm under state and federal law**, the superintendent
 4 shall issue to the applicant a qualified or an unlimited license to carry
 5 any handgun lawfully possessed by the applicant. The original license
 6 shall be delivered to the licensee. A copy shall be delivered to the
 7 officer to whom the application for license was made. A copy shall be
 8 retained by the superintendent for at least four (4) years. This license
 9 shall be valid for a period of four (4) years from the date of issue. The
 10 license of police officers, sheriffs or their deputies, and law
 11 enforcement officers of the United States government who have been
 12 honorably retired by a lawfully created pension board or its equivalent
 13 after twenty (20) or more years of service, shall be valid for the life of
 14 such individuals. However, such lifetime licenses are automatically
 15 revoked if the license holder does not remain a proper person.

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

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

21 (2) is:

22 (A) recommended by a nonprofit educational organization that
 23 is dedicated to providing education on safe handling and use
 24 of firearms;

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

26 (C) approved by the superintendent.

27 The superintendent may not deny a license under this section because
 28 the information required under this subsection is unavailable at the
 29 time the superintendent would otherwise issue a license. The state
 30 police department may accept private donations or grants to defray the
 31 cost of printing and mailing the information required under this
 32 subsection.

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

35 (1) has been convicted of a felony;

36 (2) is under eighteen (18) years of age;

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

40 (4) has been arrested for a Class A or Class B felony, or any other
 41 felony that was committed while armed with a deadly weapon or
 42 that involved the use of violence, if a court has found probable

1 cause to believe that the person committed the offense charged.
 2 In the case of an arrest under subdivision (4), a license to carry a
 3 handgun may be issued to a person who has been acquitted of the
 4 specific offense charged or if the charges for the specific offense are
 5 dismissed. The superintendent shall prescribe all forms to be used in
 6 connection with the administration of this chapter.

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

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

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

14 (2) changes the person's address;

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

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

20 Page 4, line 27, delete ":".

21 Page 4, line 28, delete "(A)".

22 Page 4, line 28, delete "; or".

23 Page 4, delete line 29 through 30.

24 Page 4, line 31, delete "; and" and insert "**because the review of**
 25 **criminal history information under section 6 of this chapter reveals**
 26 **that the person has been charged with a crime for which the**
 27 **person, if convicted, would be prohibited under state law from**
 28 **purchasing, receiving, or possessing a firearm, and:**

29 (A) **there has been no final disposition of the case; or**

30 (B) **the final disposition of the case is not noted; and"**.

31 Page 4, run in lines 27 through 31.

32 Page 4, line 35, delete "However, a pending investigation must be
 33 completed".

34 Page 4, delete lines 36 through 37.

35 Page 4, line 38, after "(d)" insert "**Upon receipt of a criminal**
 36 **history challenge form indicating a purchaser's request for review**
 37 **of the delay, the state police department shall proceed with efforts**
 38 **to obtain the final disposition information. The purchaser may**
 39 **attempt to assist the department in obtaining the final disposition**
 40 **information. If neither the purchaser nor the department is able to**
 41 **obtain the final disposition information within three (3) calendar**
 42 **days following the department's receipt of the criminal history**

1 challenge form, the state police department shall immediately
2 notify the federal firearms licensee that the pending transaction is
3 a conditional proceed.

4 (e) In any case in which the transfer of a firearm has been
5 delayed under subsection (c)(2), the department's inability to
6 obtain information relating to the final disposition of a case does
7 not constitute the basis for the continued denial of the transfer if
8 the department receives written notice from the clerk of the court,
9 signed and verified by the clerk, indicating that final disposition
10 information is available. Upon receipt of this notice, the state police
11 department shall immediately notify the dealer that the dealer may
12 proceed with the firearms transfer and may not be considered in
13 violation of this chapter for completing the firearms transfer.

14 (f)".

15 Renumber all SECTIONS consecutively.
(Reference is to SB 487 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 1.

Senator Long, Chairperson