



March 23, 2005

**ENGROSSED
SENATE BILL No. 32**

DIGEST OF SB 32 (Updated March 22, 2005 11:00 am - DI 103)

Citations Affected: IC 35-47.

Synopsis: Handgun licenses and noncitizens. Permits the issuance of a license to carry a handgun only to: (1) citizens; and (2) noncitizens who are allowed under federal law to carry a firearm in the United States. Prohibits a person who: (1) is prohibited by court order from possessing a handgun; or (2) has been convicted of a crime of domestic violence (unless a court restores the person's right to possess a firearm); from obtaining a license to carry a handgun.

Effective: July 1, 2005.

**Zakas, Hume, Craycraft, Steele,
Broden**

(HOUSE SPONSORS — ULMER, ALDERMAN, RUPPEL, KOCH)

January 4, 2005, read first time and referred to Committee on Rules and Legislative Procedure.

January 6, 2005, amended; reassigned to Committee on Homeland Security, Utilities, and Public Policy.

February 10, 2005, reported favorably — Do Pass.

February 14, 2005, read second time, ordered engrossed.

February 15, 2005, engrossed. Read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 7, 2005, read first time and referred to Committee on Public Safety and Homeland Security.

March 22, 2005, amended, reported — Do Pass.

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ES 32—LS 6225/DI 13+



March 23, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 32

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 35-47-1-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. "Proper person"
3 means a person who: ~~does not~~:

4 (1) **does not** have a conviction for resisting law enforcement
5 under IC 35-44-3-3 within five (5) years before the person applies
6 for a license or permit under this chapter;

7 (2) **does not** have a conviction for a crime for which ~~he~~ **the**
8 **person** could have been sentenced for more than one (1) year;

9 (3) **does not have a conviction for a crime of domestic violence**
10 **(as defined in IC 35-41-1-6.3), unless a court has restored the**
11 **person's right to possess a firearm under IC 3-7-13-5;**

12 (4) **is not prohibited by a court order from possessing a**
13 **handgun;**

14 (3) (5) **does not** have a record of being an alcohol or drug abuser
15 as defined in this chapter;

16 (4) (6) **does not** have documented evidence which would give rise
17 to a reasonable belief that ~~he~~ **the person** has a propensity for

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ES 32—LS 6225/DI 13+



- 1 violent or emotionally unstable conduct;
- 2 ~~(5)~~ **(7) does not** make a false statement of material fact on ~~his~~ **the**
- 3 **person's** application;
- 4 ~~(6)~~ **(8) does not** have a conviction for any crime involving a
- 5 inability to safely handle a handgun;
- 6 ~~(7)~~ **(9) does not** have a conviction for violation of the provisions
- 7 of this article within five (5) years of ~~his~~ **the person's** application;
- 8 or
- 9 ~~(8)~~ **(10) does not** have an adjudication as a delinquent child for
- 10 an act that would be a felony if committed by an adult, if the
- 11 person applying for a license or permit under this chapter is less
- 12 than twenty-three (23) years of age.

13 SECTION 2. IC 35-47-2-3 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A person desiring
 15 a license to carry a handgun shall apply:

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

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

- 30 (1) deposited into the law enforcement agency's firearms training
- 31 fund or other appropriate training activities fund; and
- 32 (2) used by the agency for the purpose of:
 - 33 (A) training law enforcement officers in the proper use of
 - 34 firearms or other law enforcement duties; or
 - 35 (B) purchasing for the law enforcement officers employed by
 - 36 the law enforcement agency firearms, or firearm related
 - 37 equipment, or both.

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

40 (c) The officer to whom the application is made shall ascertain the
 41 applicant's name, full address, length of residence in the community,
 42 whether the applicant's residence is located within the limits of any city

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

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

- 23 (e) If it appears to the superintendent that the applicant:
 24 (1) has a proper reason for carrying a handgun; ~~and~~
 25 (2) is of good character and reputation; ~~and~~
 26 (3) **is** a proper person to be ~~so~~ licensed; **and**
 27 (4) **is:**
 28 (A) **a citizen of the United States; or**
 29 (B) **not a citizen of the United States but is allowed to carry**
 30 **a firearm in the United States under federal law;**

31 the superintendent shall issue to the applicant a qualified or an
 32 unlimited license to carry any handgun lawfully possessed by the
 33 applicant. The original license shall be delivered to the licensee. A
 34 copy shall be delivered to the officer to whom the application for
 35 license was made. A copy shall be retained by the superintendent for
 36 at least four (4) years. This license shall be valid for a period of four (4)
 37 years from the date of issue. The license of police officers, sheriffs or
 38 their deputies, and law enforcement officers of the United States
 39 government who have been honorably retired by a lawfully created
 40 pension board or its equivalent after twenty (20) or more years of
 41 service, shall be valid for the life of such individuals. However, such
 42 lifetime licenses are automatically revoked if the license holder does

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1 not remain a proper person.

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

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

7 (2) is:

8 (A) recommended by a nonprofit educational organization that
9 is dedicated to providing education on safe handling and use
10 of firearms;

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

12 (C) approved by the superintendent.

13 The superintendent may not deny a license under this section because
14 the information required under this subsection is unavailable at the
15 time the superintendent would otherwise issue a license. The state
16 police department may accept private donations or grants to defray the
17 cost of printing and mailing the information required under this
18 subsection.

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

21 (1) has been convicted of a felony;

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

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

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

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

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

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

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

42 (2) changes the person's address;

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

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

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 32, 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:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security, Utilities, and Public Policy.

(Reference is to SB 32 as introduced.)

GARTON, Chairperson

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SENATE MOTION

Madam President: I move that Senator Hume be added as second author and Senator Craycraft be added as coauthor of Senate Bill 32.

ZAKAS

SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 32.

ZAKAS

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill No. 32, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 32 as printed January 7, 2005.)

WYSS, Chairperson

Committee Vote: Yeas 11, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Engrossed Senate Bill 32.

ZAKAS

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Senate Bill 32, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-47-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. "Proper person" means a person who: ~~does not~~:

- (1) **does not** have a conviction for resisting law enforcement under IC 35-44-3-3 within five (5) years before the person applies for a license or permit under this chapter;
- (2) **does not** have a conviction for a crime for which ~~he~~ **the person** could have been sentenced for more than one (1) year;
- (3) **does not have a conviction for a crime of domestic violence (as defined in IC 35-41-1-6.3), unless a court has restored the person's right to possess a firearm under IC 3-7-13-5;**
- (4) **is not prohibited by a court order from possessing a handgun;**
- (~~3~~) (5) **does not** have a record of being an alcohol or drug abuser as defined in this chapter;
- (~~4~~) (6) **does not** have documented evidence which would give rise to a reasonable belief that ~~he~~ **the person** has a propensity for violent or emotionally unstable conduct;
- (~~5~~) (7) **does not** make a false statement of material fact on ~~his~~ **the person's** application;
- (~~6~~) (8) **does not** have a conviction for any crime involving an inability to safely handle a handgun;
- (~~7~~) (9) **does not** have a conviction for violation of the provisions of this article within five (5) years of ~~his~~ **the person's** application;
- or
- (~~8~~) (10) **does not** have an adjudication as a delinquent child for an act that would be a felony if committed by an adult, if the person applying for a license or permit under this chapter is less than twenty-three (23) years of age."

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 32 as printed February 11, 2005.)

RUPPEL, Chair

Committee Vote: yeas 7, nays 0.

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