

# COMMITTEE REPORT

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## 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:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 criminal law and procedure.
- 4 Delete everything after the enacting clause and insert the
- 5 following:
- 6 SECTION 1. IC 35-47-2-3 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A person desiring
- 8 a license to carry a handgun shall apply:
- 9 (1) to the chief of police or corresponding law enforcement
- 10 officer of the municipality in which the applicant resides;
- 11 (2) if that municipality has no such officer, or if the applicant
- 12 does not reside in a municipality, to the sheriff of the county in
- 13 which the applicant resides after the applicant has obtained an
- 14 application form prescribed by the superintendent; or
- 15 (3) if the applicant is a resident of another state and has a regular
- 16 place of business or employment in Indiana, to the sheriff of the
- 17 county in which the applicant has a regular place of business or
- 18 employment.
- 19 (b) The law enforcement agency which accepts an application for
- 20 a handgun license shall collect a ten dollar (\$10) application fee, five
- 21 dollars (\$5) of which shall be refunded if the license is not issued.
- 22 Except as provided in subsection (h), the fee shall be:
- 23 (1) deposited into the law enforcement agency's firearms training
- 24 fund or other appropriate training activities fund; and
- 25 (2) used by the agency for the purpose of:
- 26 (A) training law enforcement officers in the proper use of
- 27 firearms or other law enforcement duties; or

1 (B) purchasing for the law enforcement officers employed  
 2 by the law enforcement agency firearms, or firearm related  
 3 equipment, or both.

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

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

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

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

31 (1) has a proper reason for carrying a handgun; ~~and~~

32 (2) is of good character and reputation; ~~and~~

33 (3) is a proper person to be ~~so~~ licensed; ~~and~~

34 (4) is:

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

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

38 the superintendent shall issue to the applicant a qualified or an  
 39 unlimited license to carry any handgun lawfully possessed by the  
 40 applicant. The original license shall be delivered to the licensee. A copy  
 41 shall be delivered to the officer to whom the application for license was  
 42 made. A copy shall be retained by the superintendent for at least four  
 43 (4) years. This license shall be valid for a period of four (4) years from  
 44 the date of issue. The license of police officers, sheriffs or their  
 45 deputies, and law enforcement officers of the United States government  
 46 who have been honorably retired by a lawfully created pension board  
 47 or its equivalent after twenty (20) or more years of service, shall be  
 48 valid for the life of such individuals. However, such lifetime licenses  
 49 are automatically revoked if the license holder does not remain a proper  
 50 person.

51 (f) At the time a license is issued and delivered to a licensee under

1 subsection (e), the superintendent shall include with the license  
2 information concerning handgun safety rules that:

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

5 (2) is:

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

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

10 (C) approved by the superintendent.

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

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

18 (1) has been convicted of a felony;

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

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

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

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

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

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

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

40 (2) changes the person's address;

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

44 (j) The state police shall indicate on the form for a license to carry a

- 1 handgun the notification requirements of subsection (i).  
(Reference is to SB 32 as introduced.)

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

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GARTON                      Chairperson