
HOUSE BILL No. 1072

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24; IC 35-47-2.

Synopsis: Unlimited lifetime handgun permit endorsements. Provides that: (1) a notation on a driver's license or identification card indicates that the holder is an individual who is entitled to an unlimited lifetime license to carry any handgun lawfully possessed by the individual; and (2) the holder is not required to carry a handgun license when the individual is in possession of a handgun and the holder's driver's license or identification card with the notation. Specifies that a person who is no longer entitled to a handgun license and who knowingly or intentionally fails: (1) to promptly return a handgun license; or (2) obtain a replacement driver's license or identification card without the specific notation; commits a Class A misdemeanor. Deletes a conflicting penalty. Makes technical corrections.

Effective: July 1, 2008.

Walorski

January 8, 2008, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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HOUSE BILL No. 1072



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 9-24-11-5, AS AMENDED BY P.L.184-2007,
- 2 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2008]: Sec. 5. (a) Except as provided in subsection (i), a
- 4 permit or license issued under this chapter must contain the following
- 5 information:
- 6 (1) The full legal name of the permittee or licensee.
- 7 (2) The date of birth of the permittee or licensee.
- 8 (3) The address of the principal residence of the permittee or
- 9 licensee.
- 10 (4) The hair color and eye color of the permittee or licensee.
- 11 (5) The date of issue and expiration date of the permit or license.
- 12 (6) The gender of the permittee or licensee.
- 13 (7) The unique identifying number of the permit or license.
- 14 (8) The weight of the permittee or licensee.
- 15 (9) The height of the permittee or licensee.
- 16 (10) A reproduction of the signature of the permittee or licensee.
- 17 (11) If the permittee or licensee is less than eighteen (18) years of



1 age at the time of issuance, the dates on which the permittee or
 2 licensee will become:
 3 (A) eighteen (18) years of age; and
 4 (B) twenty-one (21) years of age.
 5 (12) If the permittee or licensee is at least eighteen (18) years of
 6 age but less than twenty-one (21) years of age at the time of
 7 issuance, the date on which the permittee or licensee will become
 8 twenty-one (21) years of age.
 9 (13) Except as provided in subsection (b) or (c), a digital
 10 photograph of the permittee or licensee.
 11 (b) The following permits or licenses do not require a digital
 12 photograph:
 13 (1) Temporary motorcycle learner's permit issued under
 14 IC 9-24-8.
 15 (2) Motorcycle learner's permit issued under IC 9-24-8.
 16 (c) The bureau may provide for the omission of a photograph or
 17 computerized image from any other license or permit if there is good
 18 cause for the omission. However, a license issued without a digital
 19 photograph must include the language described in subsection (f).
 20 (d) The information contained on the permit or license as required
 21 by subsection (a)(11) or (a)(12) for a permittee or licensee who is less
 22 than twenty-one (21) years of age at the time of issuance shall be
 23 printed prominently on the permit or license.
 24 (e) ~~This subsection applies to a permit or license issued after~~
 25 ~~January 1, 2007.~~ If the applicant for a permit or license submits
 26 information to the bureau concerning the applicant's medical condition,
 27 the bureau shall place an identifying symbol on the face of the permit
 28 or license to indicate that the applicant has a medical condition of note.
 29 The bureau shall include information on the permit or license that
 30 briefly describes the medical condition of the holder of the permit or
 31 license. The information must be printed in a manner that alerts a
 32 person reading the permit or license to the existence of the medical
 33 condition. The permittee or licensee is responsible for the accuracy of
 34 the information concerning the medical condition submitted under this
 35 subsection. The bureau shall inform an applicant that submission of
 36 information under this subsection is voluntary.
 37 (f) Any license or permit issued by the state that does not require a
 38 digital photograph must include the statement "May not be accepted by
 39 any federal agency for federal identification or any other federal
 40 purpose.
 41 (g) A license or permit issued by the state to an individual who:
 42 (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant

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- 1 visa status for entry in the United States;
- 2 (2) has a pending application for asylum in the United States;
- 3 (3) has a pending or approved application for temporary protected
- 4 status in the United States;
- 5 (4) has approved deferred action status; or
- 6 (5) has a pending application for adjustment of status to that of an
- 7 alien lawfully admitted for permanent residence in the United
- 8 States or conditional permanent residence status in the United
- 9 States;

10 must be clearly identified as a temporary license or permit. A
 11 temporary license or permit issued under this subsection may not be
 12 renewed without the presentation of valid documentary evidence
 13 proving that the licensee's or ~~permittee's~~ **permittee's** temporary status
 14 has been extended.

15 (h) The bureau may adopt rules under IC 4-22-2 to carry out this
 16 section.

17 (i) For purposes of subsection (a), an individual certified as a
 18 program participant in the address confidentiality program under
 19 IC 5-26.5 is not required to provide the address of the individual's
 20 principal residence, but may provide an address designated by the
 21 office of the attorney general under IC 5-26.5 as the address of the
 22 individual's principal residence.

23 **(j) The bureau shall place a notation on a driver's license to**
 24 **indicate that the holder has been issued an unlimited lifetime**
 25 **license under IC 35-47-2-3(e) to carry any handgun lawfully**
 26 **possessed by the individual after:**

- 27 **(1) a request by the individual for the notification has been**
- 28 **made to the bureau; and**
- 29 **(2) verification of issuance of the lifetime license has been**
- 30 **made by the superintendent of the state police department to**
- 31 **the bureau;**

32 **in accordance with IC 9-24-14-3(b).**

33 SECTION 2. IC 9-24-14-3 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. **(a)** If a licensee or
 35 permittee who changes mailing address or residence address or name,
 36 by marriage or otherwise, desires to have a replacement **driver's**
 37 license or permit indicating the new address or name of the licensee or
 38 permittee, the licensee or permittee may request the issuance of the
 39 replacement **driver's** license or permit upon proper application and the
 40 payment of the required fee as authorized by this article.

41 **(b) If a licensee or permittee requests the bureau to place a**
 42 **notation on the driver's license to indicate that the individual to**

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1 **whom the license has been issued has an unlimited lifetime license**
2 **to carry any handgun lawfully possessed by the individual under**
3 **IC 9-24-11-5(j), the bureau shall issue a replacement driver's**
4 **license upon proper application and payment of the required fee as**
5 **authorized by this article.**

6 SECTION 3. IC 9-24-16-3, AS AMENDED BY P.L.184-2007,
7 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2008]: Sec. 3. (a) An identification card must have the same
9 dimensions and shape as a driver's license, but the card must have
10 markings sufficient to distinguish the card from a driver's license.

11 (b) Except as provided in subsection (g), the front side of an
12 identification card must contain the expiration date of the identification
13 card and the following information about the individual to whom the
14 card is being issued:

- 15 (1) Full legal name.
- 16 (2) The address of the principal residence.
- 17 (3) Date of birth.
- 18 (4) Date of issue and date of expiration.
- 19 (5) Unique identification number.
- 20 (6) Gender.
- 21 (7) Weight.
- 22 (8) Height.
- 23 (9) Color of eyes and hair.
- 24 (10) Reproduction of the signature of the individual identified.
- 25 (11) Whether the individual is blind (as defined in
- 26 IC 12-7-2-21(1)).
- 27 (12) If the individual is less than eighteen (18) years of age at the
- 28 time of issuance, the dates on which the individual will become:
- 29 (A) eighteen (18) years of age; and
- 30 (B) twenty-one (21) years of age.
- 31 (13) If the individual is at least eighteen (18) years of age but less
- 32 than twenty-one (21) years of age at the time of issuance, the date
- 33 on which the individual will become twenty-one (21) years of age.
- 34 (14) Digital photograph of the individual.

35 (c) The information contained on the identification card as required
36 by subsection (b)(12) or (b)(13) for an individual who is less than
37 twenty-one (21) years of age at the time of issuance shall be printed
38 prominently on the permit or license.

39 (d) If the applicant for an identification card submits information to
40 the bureau concerning the applicant's medical condition, the bureau
41 shall place an identifying symbol on the face of the identification card
42 to indicate that the applicant has a medical condition of note. The

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1 bureau shall include information on the identification card that briefly
 2 describes the medical condition of the holder of the card. The
 3 information must be printed in a manner that alerts a person reading the
 4 card to the existence of the medical condition. The applicant for an
 5 identification card is responsible for the accuracy of the information
 6 concerning the medical condition submitted under this subsection. The
 7 bureau shall inform an applicant that submission of information under
 8 this subsection is voluntary.

9 (e) An identification card issued by the state that does not require a
 10 digital photograph must include the statement "May not be accepted by
 11 any federal agency for federal identification or any other federal
 12 purpose.".

13 (f) An identification card issued by the state to an individual who:
 14 (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant
 15 visa status for entry in the United States;
 16 (2) has a pending application for asylum in the United States;
 17 (3) has a pending or approved application for temporary protected
 18 status in the United States;
 19 (4) has approved deferred action status; or
 20 (5) has a pending application for adjustment of status to that of an
 21 alien lawfully admitted for permanent residence in the United
 22 States or conditional permanent residence status in the United
 23 States;

24 must be clearly identified as a temporary identification card. A
 25 temporary identification card issued under this subsection may not be
 26 renewed without the presentation of valid documentary evidence
 27 proving that the holder of the identification card's temporary status has
 28 been extended.

29 (g) For purposes of subsection (b), an individual certified as a
 30 program participant in the address confidentiality program under
 31 IC 5-26.5 is not required to provide the address of the individual's
 32 principal residence, but may provide an address designated by the
 33 office of the attorney general under IC 5-26.5 as the address of the
 34 individual's principal residence.

35 **(h) The bureau shall place a notation on an identification card**
 36 **to indicate that the holder has been issued an unlimited lifetime**
 37 **license under IC 35-47-2-3(e) to carry any handgun lawfully**
 38 **possessed by the individual after:**

39 (1) a request by the individual for the notification has been
 40 made to the bureau; and
 41 (2) verification of issuance of the lifetime license has been
 42 made by the superintendent of the state police department to

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**the bureau;
in accordance with IC 9-24-16-6(b).**

SECTION 4. IC 9-24-16-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) The bureau shall issue a duplicate identification card if any of the following conditions exist:

- (1) Any information contained on the card becomes invalid or obsolete.
- (2) The card is lost, stolen, damaged, or destroyed.

(b) If the holder of an identification card requests the bureau to place a notation on the identification card to indicate that the individual to whom the identification card has been issued has an unlimited lifetime license to carry any handgun lawfully possessed by the individual under IC 9-24-16-3(h), the bureau shall issue a replacement identification card upon proper application and payment of the required fee as authorized by this article.

SECTION 5. IC 35-47-2-1, AS AMENDED BY P.L.118-2007, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as provided in subsection (b) and section 2 of this chapter, a person shall not carry a handgun in any vehicle or on or about the person's body, except in the person's dwelling or on the person's property or fixed place of business, without:

- (1) a license issued under this chapter;
- (2) a driver's license bearing a notation in accordance with IC 9-24-11-5(j); or
- (3) an identification card bearing a notation in accordance with IC 9-24-16-3(h);

being in the person's possession.

(b) 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 in any vehicle or on or about the person's body:

- (1) in the person's dwelling; or
- (2) on the person's property or fixed place of business.

SECTION 6. IC 35-47-2-3, AS AMENDED BY P.L.155-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) A person desiring a license to carry a handgun shall apply:

- (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

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1 not reside in a municipality, to the sheriff of the county in which
 2 the applicant resides after the applicant has obtained an
 3 application form prescribed by the superintendent; or
 4 (3) if the applicant is a resident of another state and has a regular
 5 place of business or employment in Indiana, to the sheriff of the
 6 county in which the applicant has a regular place of business or
 7 employment.

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

12 (b) The law enforcement agency which accepts an application for a
 13 handgun license shall collect the following application fees:

14 (1) From a person applying for a four (4) year handgun license, a
 15 ten dollar (\$10) application fee, five dollars (\$5) of which shall be
 16 refunded if the license is not issued.

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

21 (3) From a person applying for a lifetime handgun license who
 22 currently possesses a valid Indiana handgun license, a forty dollar
 23 (\$40) application fee, thirty dollars (\$30) of which shall be
 24 refunded if the license is not issued.

25 Except as provided in subsection (h), the fee shall be deposited into the
 26 law enforcement agency's firearms training fund or other appropriate
 27 training activities fund and used by the agency to train law enforcement
 28 officers in the proper use of firearms or in other law enforcement
 29 duties, or to purchase firearms or firearm related equipment, or both for
 30 the law enforcement officers employed by the law enforcement agency.
 31 The state board of accounts shall establish rules for the proper
 32 accounting and expenditure of funds collected under this subsection.

33 (c) The officer to whom the application is made shall ascertain the
 34 applicant's name, full address, length of residence in the community,
 35 whether the applicant's residence is located within the limits of any city
 36 or town, the applicant's occupation, place of business or employment,
 37 criminal record, if any, and convictions (minor traffic offenses
 38 excepted), age, race, sex, nationality, date of birth, citizenship, height,
 39 weight, build, color of hair, color of eyes, scars and marks, whether the
 40 applicant has previously held an Indiana license to carry a handgun
 41 and, if so, the serial number of the license and year issued, whether the
 42 applicant's license has ever been suspended or revoked, and if so, the

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1 year and reason for the suspension or revocation, and the applicant's
 2 reason for desiring a license. The officer to whom the application is
 3 made shall conduct an investigation into the applicant's official records
 4 and verify thereby the applicant's character and reputation, and shall in
 5 addition verify for accuracy the information contained in the
 6 application, and shall forward this information together with the
 7 officer's recommendation for approval or disapproval and one (1) set
 8 of legible and classifiable fingerprints of the applicant to the
 9 superintendent.

10 (d) The superintendent may make whatever further investigation the
 11 superintendent deems necessary. Whenever disapproval is
 12 recommended, the officer to whom the application is made shall
 13 provide the superintendent and the applicant with the officer's complete
 14 and specific reasons, in writing, for the recommendation of
 15 disapproval.

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

- 17 (1) has a proper reason for carrying a handgun;
- 18 (2) is of good character and reputation;
- 19 (3) is a proper person to be licensed; and
- 20 (4) is:

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

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

24 the superintendent shall issue to the applicant a qualified or an
 25 unlimited license to carry any handgun lawfully possessed by the
 26 applicant. The original license shall be delivered to the licensee. A
 27 copy shall be delivered to the officer to whom the application for
 28 license was made. A copy shall be retained by the superintendent for
 29 at least four (4) years in the case of a four (4) year license. **Upon**
 30 **issuance of an unlimited lifetime license as set forth in section 4(a)**
 31 **of this chapter, the superintendent immediately shall transmit**
 32 **notification of the issuance of the unlimited lifetime license to the**
 33 **bureau of motor vehicles.** The superintendent may adopt guidelines
 34 to establish a records retention policy for a lifetime license. A four (4)
 35 year license shall be valid for a period of four (4) years from the date
 36 of issue. A lifetime license is valid for the life of the individual
 37 receiving the license. The license of police officers, sheriffs or their
 38 deputies, and law enforcement officers of the United States government
 39 who have been honorably retired by a lawfully created pension board
 40 or its equivalent after twenty (20) or more years of service shall be
 41 valid for the life of these individuals. However, a lifetime license is
 42 automatically revoked if the license holder does not remain a proper

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1 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) has had a license to carry a handgun suspended, unless the

23 person's license has been reinstated;

24 (3) is under eighteen (18) years of age;

25 (4) is under twenty-three (23) years of age if the person has been

26 adjudicated a delinquent child for an act that would be a felony if

27 committed by an adult; or

28 (5) has been arrested for a Class A or Class B felony, or any other

29 felony that was committed while armed with a deadly weapon or

30 that involved the use of violence, if a court has found probable

31 cause to believe that the person committed the offense charged.

32 In the case of an arrest under subdivision (5), a license to carry a

33 handgun may be issued to a person who has been acquitted of the

34 specific offense charged or if the charges for the specific offense are

35 dismissed. The superintendent shall prescribe all forms to be used in

36 connection with the administration of this chapter.

37 (h) If the law enforcement agency that charges a fee under

38 subsection (b) is a city or town law enforcement agency, the fee shall

39 be deposited in the law enforcement continuing education fund

40 established under IC 5-2-8-2.

41 (i) If a person who holds a valid license to carry a handgun issued

42 under this chapter:

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

7 the person shall, not later than thirty (30) days after the date of a
 8 change described under subdivision (3), and not later than sixty (60)
 9 days after the date of the change described under subdivision (1) or (2),
 10 notify the superintendent, in writing, of the event described under
 11 subdivision (3) or, in the case of a change under subdivision (1) or (2),
 12 the person's new name or new address.

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

15 (k) The state police department shall adopt rules under IC 4-22-2 to
 16 implement an electronic application system under subsection (a). Rules
 17 adopted under this section must require the superintendent to keep on
 18 file one (1) set of classifiable and legible fingerprints from every
 19 person who has received a license to carry a handgun so that a person
 20 who applies to renew a license will not be required to submit an
 21 additional set of fingerprints.

22 SECTION 7. IC 35-47-2-5, AS AMENDED BY P.L.1-2006,
 23 SECTION 535, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) The superintendent may
 25 suspend or revoke any license issued under this chapter if ~~he~~ **the**
 26 **superintendent** has reasonable grounds to believe that the person's
 27 license should be suspended or revoked.

28 (b) Documented evidence that a person is not a "proper person" to
 29 be licensed as defined by IC 35-47-1-7, or is prohibited under section
 30 3(g)(5) of this chapter from being issued a license, shall be grounds for
 31 immediate suspension or revocation of a license previously issued
 32 under this chapter. However, if a license is suspended or revoked based
 33 solely on an arrest under section 3(g)(5) of this chapter, the license
 34 shall be reinstated upon the acquittal of the defendant in that case or
 35 upon the dismissal of the charges for the specific offense.

- 36 (c) A person who **knowingly or intentionally** fails to promptly:
 - 37 (1) return ~~his~~ **the license issued to the person; or**
 - 38 (2) **apply for and obtain a replacement:**
 - 39 (A) **driver's license that does not bear a notation in**
 - 40 **accordance with IC 9-24-11-5(j); or**
 - 41 (B) **identification card that does not bear a notation in**
 - 42 **accordance with IC 9-24-16-3(h);**

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1 after written notice of suspension or revocation commits a Class A
2 misdemeanor. The observation of a handgun license, **a driver's license**
3 **that bears a notation in accordance with IC 9-24-11-5(j), or an**
4 **identification card that bears a notation in accordance with**
5 **IC 9-24-16-3(h)** in the possession of a person whose license has been
6 suspended or revoked constitutes a sufficient basis for the arrest of that
7 person for violation of this subsection.

8 (d) The superintendent shall establish rules under IC 4-22-2
9 concerning the procedure for suspending or revoking a person's license.

10 SECTION 8. IC 35-47-2-23 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 23. (a) A person who
12 violates section ~~3~~; **3(i)**, 4, ~~5~~; 14, 15, or 16 of this chapter commits a
13 Class B misdemeanor.

14 (b) A person who violates section 7, 17, or 18 of this chapter
15 commits a Class C felony.

16 (c) A person who violates section 1 of this chapter commits a Class
17 A misdemeanor. However, the offense is a Class C felony:

- 18 (1) if the offense is committed:
 - 19 (A) on or in school property;
 - 20 (B) within one thousand (1,000) feet of school property; or
 - 21 (C) on a school bus; or
- 22 (2) if the person:
 - 23 (A) has a prior conviction of any offense under:
 - 24 (i) this subsection; or
 - 25 (ii) subsection (d); or
 - 26 (B) has been convicted of a felony within fifteen (15) years
27 before the date of the offense.

28 (d) A person who violates section 22 of this chapter commits a Class
29 A misdemeanor. However, the offense is a Class D felony if the person
30 has a prior conviction of any offense under this subsection or
31 subsection (c), or if the person has been convicted of a felony within
32 fifteen (15) years before the date of the offense.

33 **(e) A person who knowingly or intentionally violates section 5(c)**
34 **of this chapter commits a Class A misdemeanor.**

35 SECTION 9. IC 35-47-2-24 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 24. (a) In an
37 information or indictment brought for the enforcement of any provision
38 of this chapter, it is not necessary to negate any exemption specified
39 under this chapter, or to allege the absence of a license required under
40 this chapter. The burden of proof is on the defendant to prove that ~~he~~
41 **the defendant** is exempt under section 2 of this chapter, or that ~~he~~ **the**
42 **defendant** has a license as required under this chapter.

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1 (b) Whenever a person who has been arrested or charged with a
2 violation of section 1 of this chapter presents:
3 (1) a valid license **issued under this chapter;**
4 (2) a valid driver's license bearing a notation in accordance
5 with IC 9-24-11-5(j); or
6 (3) a valid identification card bearing a notation in
7 accordance with IC 9-24-16-3(h);
8 to the prosecuting attorney or establishes that ~~he~~ **the person** is exempt
9 under section 2 of this chapter, any prosecution for a violation of
10 section 1 of this chapter shall be dismissed immediately, and all
11 records of an arrest or proceedings following arrest shall be destroyed
12 immediately.

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