

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 292 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 5-2-18 IS ADDED TO THE INDIANA CODE AS
4 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2011]:
6 **Chapter 18. Assault Weapon Data Base**
7 **Sec. 1. As used in this chapter, "assault weapon" has the**
8 **meaning set forth in IC 35-47-1-2.7.**
9 **Sec. 2. As used in this chapter, "superintendent" refers to the**
10 **superintendent of the state police department.**
11 **Sec. 3. The superintendent or the superintendent's designee shall**
12 **establish an assault weapon data base that consists of the following:**
13 **(1) Information concerning the maker, model, manufacturer's**
14 **serial number, or other mark of identification on any assault**
15 **weapon.**
16 **(2) Information concerning the name and address of the**
17 **purchaser of an assault weapon.**
18 **(3) If the assault weapon is used in connection with a crime, or**
19 **is the subject of a crime, relevant information concerning the**
20 **crime.**
21 **(4) Any other information required by the superintendent.**
22 **Sec. 4. The superintendent or the superintendent's designee is**
23 **the administrator of the assault weapon data base.**
24 **Sec. 5. The assault weapon data base shall be used to assist**
25 **federal, state, and local law enforcement agencies in the**
26 **investigation and prosecution of crimes.**
27 **Sec. 6. The superintendent shall develop an assault weapon sales**
28 **tracking form for use by retailers and other individuals who sell,**
29 **rent, trade, or transfer assault weapons. The assault weapon sales**
30 **tracking form shall include the following information:**

- 1 **(1) The name of the purchaser.**
- 2 **(2) The address of the purchaser.**
- 3 **(3) The type of identification the purchaser used to identify**
- 4 **the purchaser.**
- 5 **(4) The maker of the assault weapon.**
- 6 **(5) The model of the assault weapon.**
- 7 **(6) The manufacturer's serial number or other mark of**
- 8 **identification.**
- 9 **(7) The date of purchase.**
- 10 **(8) Any other relevant information that will assist the**
- 11 **superintendent in tracking assault weapons.**

12 **The assault weapon sales tracking form shall be in an electronic**

13 **format.**

14 **Sec. 7. Notwithstanding any other law, the superintendent shall**

15 **maintain individual records contained in the assault weapon data**

16 **base for at least thirty-five (35) years.**

17 **Sec. 8. The superintendent shall adopt rules under IC 4-22-2**

18 **necessary to implement this chapter."**

19 Page 1, between lines 16 and 17, begin a new paragraph and insert:

20 "SECTION 4. IC 35-47-1-2.7 IS ADDED TO THE INDIANA

21 CODE AS A NEW SECTION TO READ AS FOLLOWS

22 [EFFECTIVE JULY 1, 2011]: **Sec. 2.7. (a) "Assault weapon" means**

23 **the following:**

- 24 **(1) A semiautomatic center fire rifle that accepts a detachable**
- 25 **magazine with a capacity of at least twenty (20) rounds.**
- 26 **(2) A semiautomatic shotgun with a magazine capacity of**
- 27 **more than six (6) rounds.**
- 28 **(3) A semiautomatic handgun that is:**
 - 29 **(A) a modification of a rifle described in subdivision (1) or**
 - 30 **a modification of an automatic firearm; or**
 - 31 **(B) originally designed to accept a detachable magazine**
 - 32 **with a capacity of more than twenty (20) rounds.**
- 33 **(4) A firearm that may be restored to an operable assault**
- 34 **weapon described in subdivision (1), (2), or (3).**
- 35 **(5) A part or combination of parts designed or intended to**
- 36 **convert a firearm into an assault weapon described in**
- 37 **subdivision (1), (2), or (3).**
- 38 **(6) A combination of parts from which an assault weapon**
- 39 **described in subdivision (1), (2), or (3) may be readily**
- 40 **assembled if the same person possesses or controls the parts.**

41 **(b) The term does not include the following:**

- 42 **(1) A firearm that uses .22 caliber rimfire ammunition with a**
- 43 **detachable magazine that has a capacity of thirty (30) rounds**
- 44 **or less.**
- 45 **(2) A firearm that has been modified to make it permanently:**
 - 46 **(A) inoperable; or**
 - 47 **(B) a device no longer defined as an assault weapon."**

1 Page 2, between lines 9 and 10, begin a new paragraph and insert:
 2 "SECTION 6. IC 35-47-2.7 IS ADDED TO THE INDIANA CODE
 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2011]:

5 **Chapter 2.7. Assault Weapon Sales Tracking**

6 **Sec. 1. (a) This subsection applies to a retail dealer. Before a**
 7 **retail dealer may sell, trade, or transfer an assault weapon to a**
 8 **person, the retail dealer must require the person to:**

9 (1) **present a current and valid photo identification issued by**
 10 **a governmental entity; and**

11 (2) **complete the assault weapon sales tracking form (as**
 12 **described in IC 5-2-18-6).**

13 **(b) This subsection applies to a person who is not a retail dealer.**
 14 **Before a person who is not a retail dealer may sell, trade, or**
 15 **transfer an assault weapon to a person, the person who is not a**
 16 **retail dealer must require the person to:**

17 (1) **present a current and valid photo identification issued by**
 18 **a governmental entity; and**

19 (2) **complete the assault weapon sales tracking form (as**
 20 **described in IC 5-2-18-6).**

21 **Sec. 2. (a) At least one (1) time each month, a retail dealer shall**
 22 **transmit the assault weapon sales tracking form to the sheriff that**
 23 **has jurisdiction in the county in which the retail dealer is located.**
 24 **However, if the retail dealer is located in a consolidated city, the**
 25 **retail dealer shall transmit the assault weapon sales tracking form**
 26 **to the chief of police.**

27 **(b) Not later than three (3) days after a person who is not a**
 28 **retail dealer sells, trades, rents, or transfers an assault weapon, the**
 29 **person shall transmit the assault weapon sales tracking form to the**
 30 **sheriff that has jurisdiction in the county in which the retail dealer**
 31 **is located. However, if the retail dealer is located in a consolidated**
 32 **city, the retail dealer shall transmit the assault weapon sales**
 33 **tracking form to the chief of police.**

34 **Sec. 3. At least one (1) time each month, a sheriff (or the police**
 35 **chief of a consolidated city) who obtains an assault weapon sales**
 36 **tracking form shall transmit the form to the superintendent of the**
 37 **state police department.**

38 **Sec. 4. The superintendent of the state police department shall**
 39 **enter information related to the sale of an assault weapon collected**
 40 **under this section in the assault weapon data base established**
 41 **under IC 5-2-18.**

42 **Sec. 5. A person who knowingly or intentionally makes a**
 43 **materially false statement on an assault weapon sales tracking**
 44 **form completed under section 1 of this chapter commits**
 45 **falsification in the purchase of an assault weapon, a Class D felony.**

46 **Sec. 6. A person who knowingly or intentionally sells, rents,**
 47 **trades, or transfers an assault weapon without requiring the**

1 **person who receives the assault weapon to complete an assault**
2 **weapon sales tracking form commits unlawful sale of an assault**
3 **weapon, a Class A misdemeanor."**

4 Renumber all SECTIONS consecutively.

(Reference is to SB 292 as printed January 28, 2011.)

Senator SIMPSON