

HOUSE BILL No. 1291

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2.5.

Synopsis: Background check for firearms sales. Requires a person wishing to: (1) sell; (2) trade; or (3) transfer; a firearm to conduct the transaction through a licensed Indiana firearms dealer. Requires a licensed Indiana firearms dealer to perform a NICS background check when facilitating the: (1) sale; (2) trade; or (3) transfer; of a firearm between private parties. Provides that a person who knowingly or intentionally makes a materially false statement to a dealer, seller, or transferor for the purpose of facilitating the: (1) sale; (2) trade; or (3) transfer; of a firearm commits a Level 6 felony. Provides that a person who knowingly or intentionally: (1) sells; (2) rents; (3) trades; or (4) transfers; a firearm in violation of certain provisions commits a Class A misdemeanor. Makes conforming amendments.

Effective: July 1, 2019.

Hamilton

January 10, 2019, read first time and referred to Committee on Public Policy.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

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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 35-47-2.5-1, AS AMENDED BY P.L.152-2014,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1. (a) Sections 2, **3, 4, and through** 5 of this
4 chapter do not apply to the following:
5 (1) Transactions between persons who are licensed as firearms
6 importers or collectors or firearms manufacturers or dealers under
7 18 U.S.C. 923.
8 (2) Purchases by or sales to a law enforcement officer or agent of
9 the United States, the state, or a county or local government.
10 (3) Indiana residents licensed to carry handguns under
11 IC 35-47-2-3.
12 (b) Notwithstanding any other provision of this chapter, the state
13 shall participate in the NICS if federal funds are available to assist the
14 state in participating in the NICS. If:
15 (1) the state participates in the NICS; and
16 (2) there is a conflict between:
17 (A) a provision of this chapter; and



1 (B) a procedure required under the NICS;
 2 the procedure required under the NICS prevails over the conflicting
 3 provision of this chapter.

4 SECTION 2. IC 35-47-2.5-4.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2019]: **Sec. 4.5. A person may not sell, trade,
 7 or transfer a firearm to another person unless:**

8 (1) **the person transacts the sale, trade, or transfer of the
 9 firearm through a dealer; and**

10 (2) **the dealer:**

11 (A) **contacts NICS; and**

12 (B) **receives authorization from NICS;**

13 **to complete the requested sale, trade, or transfer.**

14 SECTION 3. IC 35-47-2.5-12, AS AMENDED BY P.L.158-2013,
 15 SECTION 585, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) A person who knowingly or
 17 intentionally makes a materially false statement on Form 4473
 18 completed under section 3 of this chapter commits a Level 6 felony.

19 (b) **A person who knowingly or intentionally makes a materially
 20 false statement to a dealer, seller, or transferor of a firearm for the
 21 purpose of completing a transaction described in section 4.5 of this
 22 chapter commits a Level 6 felony.**

23 SECTION 4. IC 35-47-2.5-13 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. Except as otherwise
 25 provided in this chapter, a dealer **or person** who knowingly or
 26 intentionally sells, rents, trades, or transfers a handgun in violation of
 27 this chapter commits a Class A misdemeanor.

