

# HOUSE BILL No. 1323

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-47-2-3.

**Synopsis:** Information privacy relating to firearms. Specifies the circumstances under which information concerning a person who applies for or holds a license to carry a handgun may be released to a federal government entity.

**Effective:** July 1, 2023.

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## Haggard

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January 12, 2023, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

# HOUSE BILL No. 1323



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 35-47-2-3, AS AMENDED BY P.L.175-2022,  
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 3. (a) A person who is at least eighteen (18) years  
4 of age and is not otherwise prohibited from carrying or possessing a  
5 handgun under state or federal law is not required to obtain or possess  
6 a license or permit from the state to carry a handgun in Indiana. A  
7 resident of this state who wishes to carry a firearm in another state  
8 under a reciprocity agreement entered into by this state and another  
9 state may obtain a license to carry a handgun in Indiana under this  
10 chapter by applying:  
11 (1) to the chief of police or corresponding law enforcement officer  
12 of the municipality in which the applicant resides;  
13 (2) if that municipality has no such officer, or if the applicant does  
14 not reside in a municipality, to the sheriff of the county in which  
15 the applicant resides after the applicant has obtained an  
16 application form prescribed by the superintendent; or  
17 (3) if the applicant is a resident of another state and has a regular



1 place of business or employment in Indiana, to the sheriff of the  
2 county in which the applicant has a regular place of business or  
3 employment.

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

8 (b) This subsection applies before July 1, 2020. The law  
9 enforcement agency which accepts an application for a handgun license  
10 shall collect the following application fees:

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

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

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

22 Except as provided in subsection (j), the fee shall be deposited into the  
23 law enforcement agency's firearms training fund or other appropriate  
24 training activities fund and used by the agency to train law enforcement  
25 officers in the proper use of firearms or in other law enforcement  
26 duties, or to purchase firearms, firearm related equipment, or body  
27 armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers  
28 employed by the law enforcement agency. The state board of accounts  
29 shall establish rules for the proper accounting and expenditure of funds  
30 collected under this subsection.

31 (c) This subsection applies after June 30, 2020, and before July 1,  
32 2021. The law enforcement agency which accepts an application for a  
33 handgun license shall not collect a fee from a person applying for a five  
34 (5) year handgun license and shall collect the following application  
35 fees:

36 (1) From a person applying for a lifetime handgun license who  
37 does not currently possess a valid Indiana handgun license, a fifty  
38 dollar (\$50) application fee, thirty dollars (\$30) of which shall be  
39 refunded if the license is not issued.

40 (2) From a person applying for a lifetime handgun license who  
41 currently possesses a valid Indiana handgun license, a forty dollar  
42 (\$40) application fee, thirty dollars (\$30) of which shall be



1           refunded if the license is not issued.

2           Except as provided in subsection (j), the fee shall be deposited into the  
3           law enforcement agency's firearms training fund or other appropriate  
4           training activities fund and used by the agency to train law enforcement  
5           officers in the proper use of firearms or in other law enforcement  
6           duties, or to purchase firearms, firearm related equipment, or body  
7           armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers  
8           employed by the law enforcement agency. The state board of accounts  
9           shall establish rules for the proper accounting and expenditure of funds  
10          collected under this subsection.

11          (d) This subsection applies after June 30, 2021. The law  
12          enforcement agency which accepts an application for a handgun license  
13          shall not collect a fee from a person applying for a handgun license.

14          (e) The officer to whom the application is made shall ascertain the  
15          applicant's name, full address, length of residence in the community,  
16          whether the applicant's residence is located within the limits of any city  
17          or town, the applicant's occupation, place of business or employment,  
18          criminal record, if any, and convictions (minor traffic offenses  
19          excepted), age, race, sex, nationality, date of birth, citizenship, height,  
20          weight, build, color of hair, color of eyes, scars and marks, whether the  
21          applicant has previously held an Indiana license to carry a handgun  
22          and, if so, the serial number of the license and year issued, whether the  
23          applicant's license has ever been suspended or revoked, and if so, the  
24          year and reason for the suspension or revocation, and the applicant's  
25          reason for desiring a license. If the applicant is not a United States  
26          citizen, the officer to whom the application is made shall ascertain the  
27          applicant's country of citizenship, place of birth, and any alien or  
28          admission number issued by the United States Citizenship and  
29          Immigration Services or United States Customs and Border Protection  
30          or any successor agency as applicable. The officer to whom the  
31          application is made shall conduct an investigation into the applicant's  
32          official records and verify thereby the applicant's character and  
33          reputation, and shall in addition verify for accuracy the information  
34          contained in the application, and shall forward this information  
35          together with the officer's recommendation for approval or disapproval  
36          and one (1) set of legible and classifiable fingerprints of the applicant  
37          to the superintendent. An investigation conducted under this section  
38          must include the consulting of available local, state, and federal  
39          criminal history data banks, including the National Instant Criminal  
40          Background Check System (NICS), to determine whether possession  
41          of a firearm by an applicant would be a violation of state or federal law.

42          (f) The superintendent may make whatever further investigation the



1 superintendent deems necessary. Whenever disapproval is  
 2 recommended, the officer to whom the application is made shall  
 3 provide the superintendent and the applicant with the officer's complete  
 4 and specific reasons, in writing, for the recommendation of  
 5 disapproval.

6 (g) If it appears to the superintendent that the applicant:

7 (1) has a proper reason for receiving a license to carry a handgun;

8 (2) is of good character and reputation;

9 (3) is a proper person to be licensed; and

10 (4) is:

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

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

14 the superintendent shall issue to the applicant a license to carry a  
 15 handgun in Indiana. The original license shall be delivered to the  
 16 licensee. A copy shall be delivered to the officer to whom the  
 17 application for license was made. A copy shall be retained by the  
 18 superintendent for at least five (5) years in the case of a five (5) year  
 19 license. The superintendent may adopt guidelines to establish a records  
 20 retention policy for a lifetime license. A five (5) year license shall be  
 21 valid for a period of five (5) years from the date of issue. A lifetime  
 22 license is valid for the life of the individual receiving the license. The  
 23 license of police officers, sheriffs or their deputies, and law  
 24 enforcement officers of the United States government who have twenty  
 25 (20) or more years of service shall be valid for the life of these  
 26 individuals. However, a lifetime license is automatically revoked if the  
 27 license holder does not remain a proper person.

28 (h) At the time a license is issued and delivered to a licensee under  
 29 subsection (g), the superintendent shall include with the license  
 30 information concerning firearms safety rules that:

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

33 (2) is:

34 (A) recommended by a nonprofit educational organization that  
 35 is dedicated to providing education on safe handling and use  
 36 of firearms;

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

38 (C) approved by the superintendent.

39 The superintendent may not deny a license under this section because  
 40 the information required under this subsection is unavailable at the  
 41 time the superintendent would otherwise issue a license. The state  
 42 police department may accept private donations or grants to defray the



1 cost of printing and mailing the information required under this  
2 subsection.

3 (i) A license to carry a handgun shall not be issued to any person  
4 who:

5 (1) has been convicted of a felony;

6 (2) has had a license to carry a handgun suspended, unless the  
7 person's license has been reinstated;

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

9 (4) is under twenty-three (23) years of age if the person has been  
10 adjudicated a delinquent child for an act that would be a felony if  
11 committed by an adult;

12 (5) has been arrested for a Class A or Class B felony for an  
13 offense committed before July 1, 2014, for a Level 1, Level 2,  
14 Level 3, or Level 4 felony for an offense committed after June 30,  
15 2014, or any other felony that was committed while armed with  
16 a deadly weapon or that involved the use of violence, if a court  
17 has found probable cause to believe that the person committed the  
18 offense charged;

19 (6) is prohibited by federal law from possessing or receiving  
20 firearms under 18 U.S.C. 922(g); or

21 (7) is described in IC 35-47-2-1.5, unless exempted by  
22 IC 35-47-2-1.5.

23 In the case of an arrest under subdivision (5), a license to carry a  
24 handgun may be issued to a person who has been acquitted of the  
25 specific offense charged or if the charges for the specific offense are  
26 dismissed. The superintendent shall prescribe all forms to be used in  
27 connection with the administration of this chapter.

28 (j) If the law enforcement agency that charges a fee under  
29 subsection (b) or (c) is a city or town law enforcement agency, the fee  
30 shall be deposited in the law enforcement continuing education fund  
31 established under IC 5-2-8-2.

32 (k) If a person who holds a valid license to carry a handgun issued  
33 under this chapter:

34 (1) changes the person's name;

35 (2) changes the person's address; or

36 (3) experiences a change, including an arrest or a conviction, that  
37 may affect the person's status as a proper person (as defined in  
38 IC 35-47-1-7) or otherwise disqualify the person from holding a  
39 license;

40 the person shall, not later than thirty (30) days after the date of a  
41 change described under subdivision (3), and not later than sixty (60)  
42 days after the date of the change described under subdivision (1) or (2),



1 notify the superintendent, in writing, of the event described under  
 2 subdivision (3) or, in the case of a change under subdivision (1) or (2),  
 3 the person's new name or new address.

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

6 (m) The state police department shall adopt rules under IC 4-22-2  
 7 to implement an electronic application system under subsection (a).  
 8 Rules adopted under this section must require the superintendent to  
 9 keep on file one (1) set of classifiable and legible fingerprints from  
 10 every person who has received a license to carry a handgun so that a  
 11 person who applies to renew a license will not be required to submit an  
 12 additional set of fingerprints.

13 (n) Except as provided in subsection (o), for purposes of  
 14 IC 5-14-3-4(a)(1), the following information is confidential, may not  
 15 be published, and is not open to public inspection:

16 (1) Information submitted by a person under this section to:

17 (A) obtain; or

18 (B) renew;

19 a license to carry a handgun.

20 (2) Information obtained by a federal, state, or local government  
 21 entity in the course of an investigation concerning a person who  
 22 applies to:

23 (A) obtain; or

24 (B) renew;

25 a license to carry a handgun issued under this chapter.

26 (3) The name, address, and any other information that may be  
 27 used to identify a person who holds a license to carry a handgun  
 28 issued under this chapter.

29 (o) Notwithstanding subsection (n):

30 (1) any information concerning an applicant for or a person who  
 31 holds a license to carry a handgun issued under this chapter may  
 32 be released to a: ~~federal~~;

33 (A) state or local government entity:

34 ~~(A)~~ (i) for law enforcement purposes; or

35 ~~(B)~~ (ii) to determine the validity of a license to carry a  
 36 handgun; ~~and or~~

37 (B) federal government entity for the purpose of a single  
 38 entry query of an applicant or license holder who is:

39 (i) a subject of interest in an active criminal  
 40 investigation; or

41 (ii) arrested for a crime; and

42 (2) general information concerning the issuance of licenses to



1 carry handguns in Indiana may be released to a person conducting  
2 journalistic or academic research, but only if all personal  
3 information that could disclose the identity of any person who  
4 holds a license to carry a handgun issued under this chapter has  
5 been removed from the general information.

6 (p) A person who holds a valid license to carry a handgun under this  
7 chapter is licensed to carry a handgun in Indiana.

8 (q) A person who knowingly or intentionally violates this section  
9 commits a Class B misdemeanor.

