

# PROPOSED AMENDMENT

## HB 1249 # 2

### DIGEST

Prior conviction. Removes unlawful carrying of a handgun from the direct file list and adds an exception for direct file of a child charged with dangerous possession of a firearm under certain circumstances. Enhances the penalty for dangerous possession of a firearm if specified circumstances exist.

---

- 1 Page 1, delete lines 16 through 17.
- 2 Page 2, line 1, reset in roman "(8)".
- 3 Page 2, line 1, delete "(9)".
- 4 Page 2, line 1, delete "felony;" and insert "felony, **unless:**
- 5 **(A) the child is charged with a felony under**
- 6 **IC 35-47-10-5(a)(1) and not any other provision under**
- 7 **IC 35-47-10;**
- 8 **(B) the felony charged under IC 35-47-10-5(a)(1) is the**
- 9 **only felony charge pending against the child;**
- 10 **(C) the child has not more than one (1) prior conviction or**
- 11 **adjudication under IC 35-47-10-5 or IC 35-47-2-1; and**
- 12 **(D) if the child has a prior conviction under IC 35-47-10-5**
- 13 **or IC 35-47-2-1, the conviction is a misdemeanor;"**.
- 14 Page 2, line 3, reset in roman "(9)".
- 15 Page 2, line 3, delete "(10)".
- 16 Page 2, line 11, reset in roman "(a)(8)".
- 17 Page 2, line 11, delete "(a)(9)".
- 18 Page 2, line 15, reset in roman "(a)(8)".
- 19 Page 2, line 15, delete "(a)(9)".
- 20 Page 2, line 18, reset in roman "(a)(8);".
- 21 Page 2, line 19, delete "**(a)(9);**".
- 22 Page 2, delete line 42, begin a new paragraph and insert:
- 23 "SECTION 2. IC 31-30-3-5, AS AMENDED BY P.L.148-2024,
- 24 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2026]: Sec. 5. Except for those cases in which the juvenile

1 court has no jurisdiction in accordance with IC 31-30-1-4, the court  
 2 shall, upon motion of the prosecuting attorney and after full  
 3 investigation and hearing, waive jurisdiction if it finds that:

4 (1) the child is charged with an act that, if committed by an adult,  
 5 would be:

6 (A) a Level 1 felony, Level 2 felony, Level 3 felony, or Level  
 7 4 felony, except a felony defined by IC 35-48-4;

8 (B) involuntary manslaughter as a Level 5 felony under  
 9 IC 35-42-1-4;

10 (C) reckless homicide as a Level 5 felony under IC 35-42-1-5;

11 **or**

12 (D) unlawful carrying of a handgun as a felony under  
 13 IC 35-47-2-1.5; **or**

14 **(E) dangerous possession of a firearm as a felony under**  
 15 **IC 35-47-10;**

16 (2) there is probable cause to believe that the child has committed  
 17 the act; and

18 (3) the child was at least sixteen (16) years of age when the act  
 19 charged was allegedly committed;

20 unless it would be in the best interests of the child and of the safety and  
 21 welfare of the community for the child to remain within the juvenile  
 22 justice system.

23 SECTION 3. IC 35-47-10-5, AS AMENDED BY P.L.148-2024,  
 24 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2026]: Sec. 5. (a) A child who knowingly, intentionally, or  
 26 recklessly possesses a firearm for any purpose other than a purpose  
 27 described in section 1 of this chapter commits dangerous possession of  
 28 a firearm, a Class A misdemeanor. However, the offense is a Level 5  
 29 felony if:

30 (1) the child has a prior conviction ~~under this section~~ or has been  
 31 adjudicated a delinquent for an act that would be an offense  
 32 under:

33 (A) this section; **or**

34 (B) **IC 35-47-2-1.5; or**

35 (2) **the offense is committed:**

36 (A) **on or in school property;**

37 (B) **within five hundred (500) feet of school property; or**

38 (C) **on a school bus.**

39 (b) A child who knowingly or intentionally provides a firearm to  
 40 another child whom the child knows:

- 1           (1) is ineligible for any reason to purchase or otherwise receive
- 2           from a dealer a firearm; or
- 3           (2) intends to use the firearm to commit a crime;
- 4           commits a Level 5 felony. However, the offense is a Level 3 felony if
- 5           the other child uses the firearm to commit murder (IC 35-42-1-1)."
- 6           Delete page 3.
- 7           Renumber all SECTIONS consecutively.  
            (Reference is to HB 1249 as printed January 14, 2026.)