

PROPOSED AMENDMENT

HB 1249 # 1

DIGEST

Dangerous possession. Replaces references to the children and firearms chapter with a reference to dangerous unlawful possession of a firearm by a child. Specifies that the bill applies only to conduct constituting a Level 5 felony or higher. Makes conforming changes.

- 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, strike "IC 35-47-10 (children and firearms)," and
- 5 insert "**IC 35-47-10-5 (unlawful possession of a firearm by a**
- 6 **child),"**.
- 7 Page 2, line 1, strike "felony;" and insert "**Level 5 felony or**
- 8 **higher;"**.
- 9 Page 2, line 3, reset in roman "(9)".
- 10 Page 2, line 3, delete "(10)".
- 11 Page 2, line 11, reset in roman "(a)(8)".
- 12 Page 2, line 11, delete "(a)(9)".
- 13 Page 2, line 15, reset in roman "(a)(8)".
- 14 Page 2, line 15, delete "(a)(9)".
- 15 Page 2, line 18, reset in roman "(a)(8);".
- 16 Page 2, delete line 19.
- 17 Page 2, delete line 42, begin a new paragraph and insert:
- 18 "SECTION 2. IC 35-47-2-1.5, AS ADDED BY P.L.175-2022,
- 19 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2026]: Sec. 1.5. (a) The following terms are defined for this
- 21 section:
- 22 (1) "Adjudicated a mental defective" means a determination by a
- 23 court that a person:
- 24 (A) presents a danger to the person or to others; or
- 25 (B) lacks the mental capacity necessary to contract or manage
- 26 the person's affairs.

- 1 The term includes a finding of insanity by a court in a criminal
 2 proceeding.
- 3 (2) "Alien" means any person who is not lawfully in the United
 4 States. The term includes:
- 5 (A) any person who has:
- 6 (i) entered the United States without inspection and
 7 authorization by an immigration officer; and
- 8 (ii) not been paroled into the United States under the federal
 9 Immigration and Nationality Act;
- 10 (B) a nonimmigrant:
- 11 (i) whose authorized period of stay has expired; or
- 12 (ii) who has violated the terms of the nonimmigrant category
 13 under which the person was admitted;
- 14 (C) a person paroled under the federal Immigration and
 15 Nationality Act whose period of parole has:
- 16 (i) expired; or
- 17 (ii) been terminated; and
- 18 (D) a person subject to an order:
- 19 (i) of deportation, exclusion, or removal; or
- 20 (ii) to depart the United States voluntarily;
- 21 regardless of whether or not the person has left the United
 22 States.
- 23 (3) "Committed to a mental institution" means the formal
 24 commitment of a person to a mental institution by a court. The
 25 term includes:
- 26 (A) a commitment for:
- 27 (i) a cognitive or mental defect; or
- 28 (ii) a mental illness; and
- 29 (B) involuntary commitments.
- 30 The term does not include voluntary commitments or a
 31 commitment made for observational purposes.
- 32 (4) "Crime of domestic violence" has the meaning set forth in
 33 IC 35-31.5-2-78.
- 34 (5) "Dangerous" has the meaning set forth in IC 35-47-14-1.
- 35 (6) "Fugitive from justice" means any person who:
- 36 (A) flees or leaves from any state to avoid prosecution for a
 37 felony or misdemeanor offense; or
- 38 (B) flees or leaves any state to avoid testifying in a criminal
 39 proceeding.
- 40 (7) "Indictment" means any formal accusation of a crime made by

1 a prosecuting attorney in any court for a crime punishable by a
2 term of imprisonment exceeding one (1) year.

3 (8) A crime or offense "punishable by a term of imprisonment
4 exceeding one (1) year" does not include a federal or state crime
5 or offense pertaining to antitrust violations, unfair trade practices,
6 restraints of trade, or other similar offenses relating to the
7 regulation of business practices.

8 (b) Except as provided in subsections (c) and (d), the following
9 persons may not knowingly or intentionally carry a handgun:

10 (1) A person convicted of a federal or state offense punishable by
11 a term of imprisonment exceeding one (1) year.

12 (2) A fugitive from justice.

13 (3) An alien.

14 (4) A person convicted of:

15 (A) a crime of domestic violence (IC 35-31.5-2-78);

16 (B) domestic battery (IC 35-42-2-1.3); or

17 (C) criminal stalking (IC 35-45-10-5).

18 (5) A person restrained by an order of protection issued under
19 IC 34-26-5.

20 (6) A person under indictment.

21 (7) A person who has been:

22 (A) adjudicated dangerous under IC 35-47-14-6;

23 (B) adjudicated a mental defective; or

24 (C) committed to a mental institution.

25 (8) A person dishonorably discharged from:

26 (A) military service; or

27 (B) the National Guard.

28 (9) A person who renounces the person's United States citizenship
29 in the manner described in 8 U.S.C. 1481.

30 (10) A person who is less than ~~(A) eighteen (18) years of age; or~~
31 ~~(B) twenty-three (23) years of age~~ and has an adjudication as a
32 delinquent child for an act described by IC 35-47-4-5, unless
33 authorized under IC 35-47-10.

34 (c) Subsection (b)(4)(A) and (b)(4)(B) does not apply to a person if
35 a court has restored the person's right to possess a firearm under
36 IC 35-47-4-7.

37 (d) A person who has:

38 (1) been adjudicated dangerous under IC 35-47-14-6; and

39 (2) successfully petitioned for the return of a firearm under
40 IC 35-47-14-8 with respect to the adjudication under subdivision

1 (1);
 2 is not prohibited from carrying a handgun under subsection (b) on the
 3 basis that the person was adjudicated dangerous under subdivision (1).
 4 However, the person may still be prohibited from carrying a handgun
 5 on one (1) or more of the other grounds listed in subsection (b).

6 (e) A person who violates this section commits unlawful carrying of
 7 a handgun, a Class A misdemeanor. However, the offense is a Level 5
 8 felony if:

- 9 (1) the offense is committed:
 10 (A) on or in school property;
 11 (B) within five hundred (500) feet of school property; or
 12 (C) on a school bus; or
 13 (2) the person:
 14 (A) has a prior conviction of any offense under:
 15 (i) this section;
 16 (ii) section 1 of this chapter (carrying a handgun without a
 17 license) (before its repeal); or
 18 (iii) section 22 of this chapter; or
 19 (B) has been convicted of a felony within fifteen (15) years
 20 before the date of the offense.

21 SECTION 3. IC 35-47-10-5, AS AMENDED BY P.L.148-2024,
 22 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2026]: Sec. 5. (a) A child who knowingly ~~or~~ intentionally ~~or~~
 24 ~~recklessly~~ possesses a firearm for any purpose other than a purpose
 25 described in section 1 of this chapter commits ~~dangerous~~ **unlawful**
 26 possession of a firearm **by a child**, a Class A misdemeanor, **except as**
 27 **otherwise provided in this section.**

28 **(b) An offense under subsection (a) is a Level 6 felony if:**
 29 **(1) the child has a prior conviction under this section; or**
 30 **(2) the child has been adjudicated a delinquent for an act that**
 31 **would be an offense under this section.**

32 ~~(c) However, the~~ **An offense under subsection (a) is a Level 5**
 33 ~~felony if: the child has a prior conviction under this section or has been~~
 34 ~~adjudicated a delinquent for an act that would be an offense under this~~
 35 ~~section:~~

- 36 **(1) the child has at least two (2) unrelated prior convictions**
 37 **under this section;**
 38 **(2) the child has at least two (2) unrelated prior delinquency**
 39 **adjudications for an act that would be an offense under this**
 40 **section;**

- 1 **(3) the child has at least one (1) unrelated prior:**
- 2 **(A) conviction under this section; and**
- 3 **(B) delinquency adjudication for an act that would be an**
- 4 **offense under this section; or**
- 5 **(4) the offense is committed:**
- 6 **(A) on or in school property;**
- 7 **(B) within five hundred (500) feet of school property; or**
- 8 **(C) on a school bus.**
- 9 ~~(b)~~ **(d)** A child who knowingly or intentionally provides a firearm
- 10 to another child whom the child knows:
- 11 (1) is ineligible for any reason to purchase or otherwise receive
- 12 from a dealer a firearm; or
- 13 (2) intends to use the firearm to commit a crime;
- 14 commits a Level 5 felony. However, the offense is a Level 3 felony if
- 15 the other child uses the firearm to commit murder (IC 35-42-1-1)."
- 16 Delete page 3.
- (Reference is to HB 1249 as printed January 14, 2026.)