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HOUSE BILL No. 1249

Proposed Changes to January 14, 2026 printing by AM124901

DIGEST OF PROPOSED AMENDMENT

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.

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 31-30-1-4, AS AMENDED BY P.L.218-2025,
- 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2026]: Sec. 4. (a) The juvenile court does not have jurisdiction
- 4 over an individual for an alleged violation of:
- 5 (1) IC 35-41-5-1(a) (attempted murder);
- 6 (2) IC 35-42-1-1 (murder);
- 7 (3) IC 35-42-3-2 (kidnapping);
- 8 (4) IC 35-42-4-1 (rape);
- 9 (5) IC 35-42-4-2 (criminal deviate conduct) (before its repeal);
- 10 (6) IC 35-42-5-1 (robbery) if:
- 11 (A) the robbery was committed while armed with a deadly
- 12 weapon; or
- 13 (B) the robbery results in bodily injury or serious bodily
- 14 injury;
- 15 (7) IC 35-42-5-2 (carjacking) (before its repeal);
- 16 ~~(8) IC 35-47-2-1.5 (unlawful carrying of a handgun),~~ [(8)
- 17 IC 35-47-10 (children and firearms), IC 35-47-10-5 (unlawful
- 18 possession of a firearm by a child),] if charged as a [felony];
- 19 ~~(8) (9) IC 35-47-10 (children and firearms), if charged as a~~

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HB 1249—LS 6693/DI 144



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1 ~~felony; or~~
 2 ~~(9) (10)~~ **[Level 5 felony or higher; or**
 3 **(9)]** any offense that may be joined under IC 35-34-1-9(a)(2)
 4 with any crime listed in this subsection;
 5 if the individual was at least sixteen (16) years of age but less than
 6 eighteen (18) years of age at the time of the alleged violation.
 7 (b) Once an individual described in subsection (a) has been
 8 charged with any offense listed in subsection (a), the court having adult
 9 criminal jurisdiction shall retain jurisdiction over the case if the
 10 individual pleads guilty to or is convicted of any offense listed in
 11 subsection (a)(1) through ~~(a)(8);~~ ~~(a)(9);~~
 12 (c) If:
 13 (1) an individual described in subsection (a) is charged with one
 14 (1) or more offenses listed in subsection (a);
 15 (2) all the charges under subsection (a)(1) through ~~(a)(8)~~
 16 ~~(a)(9)~~ resulted in an acquittal or were dismissed; and
 17 (3) the individual pleads guilty to or is convicted of any offense
 18 other than an offense listed in subsection (a)(1) through
 19 ~~(a)(8);~~ ~~(a)(9);~~
 20 the court having adult criminal jurisdiction may withhold judgment and
 21 transfer jurisdiction to the juvenile court for adjudication and
 22 disposition. In determining whether to transfer jurisdiction to the
 23 juvenile court for adjudication and disposition, the court having adult
 24 criminal jurisdiction shall consider whether there are appropriate
 25 services available in the juvenile justice system, whether the child is
 26 amenable to rehabilitation under the juvenile justice system, and
 27 whether it is in the best interests of the safety and welfare of the
 28 community that the child be transferred to juvenile court. All orders
 29 concerning release conditions remain in effect until a juvenile court
 30 detention hearing, which must be held not later than forty-eight (48)
 31 hours, excluding Saturdays, Sundays, and legal holidays, after the order
 32 of transfer of jurisdiction.
 33 (d) A court having adult criminal jurisdiction, and not a juvenile
 34 court, has jurisdiction over a person who is at least twenty-one (21)
 35 years of age for an alleged offense:
 36 (1) committed while the person was a child; and
 37 (2) that could have been waived under IC 31-30-3.
 38 This subsection applies to a criminal proceeding for an alleged offense
 39 regardless of whether the offense was committed before, on, or after
 40 July 1, 2023, or the juvenile becomes twenty-one (21) years of age
 41 before, on, or after July 1, 2023.
 42 SECTION 2. ~~IC 31-30-3-5~~ **[IC 35-47-2-1.5]**, AS

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HB 1249—LS 6693/DI 144



1 ~~<AMENDED>~~ [ADDED] BY P.L. ~~<148-2024>~~ [175-2022], SECTION
 2 ~~<16>~~ [9], IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. ~~<5. Except for those cases in which the juvenile
 4 court has no jurisdiction in accordance with IC 31-30-1-4, the court
 5 shall, upon motion of the>~~ [1.5. (a) The following terms are defined for
 6 this section:

7 (1) "Adjudicated a mental defective" means a determination by
 8 a court that a person:

9 (A) presents a danger to the person or to others; or

10 (B) lacks the mental capacity necessary to contract or
 11 manage the person's affairs.

12 The term includes a finding of insanity by a court in a criminal
 13 proceeding.

14 (2) "Alien" means any person who is not lawfully in the United
 15 States. The term includes:

16 (A) any person who has:

17 (i) entered the United States without inspection and
 18 authorization by an immigration officer; and

19 (ii) not been paroled into the United States under the
 20 federal Immigration and Nationality Act;

21 (B) a nonimmigrant:

22 (i) whose authorized period of stay has expired; or

23 (ii) who has violated the terms of the nonimmigrant
 24 category under which the person was admitted;

25 (C) a person paroled under the federal Immigration and
 26 Nationality Act whose period of parole has:

27 (i) expired; or

28 (ii) been terminated; and

29 (D) a person subject to an order:

30 (i) of deportation, exclusion, or removal; or

31 (ii) to depart the United States voluntarily;

32 regardless of whether or not the person has left the United
 33 States.

34 (3) "Committed to a mental institution" means the formal
 35 commitment of a person to a mental institution by a court. The
 36 term includes:

37 (A) a commitment for:

38 (i) a cognitive or mental defect; or

39 (ii) a mental illness; and

40 (B) involuntary commitments.

41 The term does not include voluntary commitments or a
 42 commitment made for observational purposes.

HB 1249—LS 6693/DI 144



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- 1 (4) "Crime of domestic violence" has the meaning set forth in
 2 IC 35-31.5-2-78.
 3 (5) "Dangerous" has the meaning set forth in IC 35-47-14-1.
 4 (6) "Fugitive from justice" means any person who:
 5 (A) flees or leaves from any state to avoid prosecution for
 6 a felony or misdemeanor offense; or
 7 (B) flees or leaves any state to avoid testifying in a criminal
 8 proceeding.
 9 (7) "Indictment" means any formal accusation of a crime made
 10 by a] prosecuting attorney <and after full investigation and
 11 hearing, waive jurisdiction if it finds that:
 12 ~~(1) the child is charged with an act that, if committed by an~~
 13 ~~adult, would be:~~
 14 ~~(A) a Level 1 felony, Level 2 felony, Level 3 felony, or~~
 15 ~~Level 4 felony, except a felony defined by IC 35-48-4;~~
 16 ~~(B) involuntary manslaughter as a Level 5 felony under~~
 17 ~~IC 35-42-1-4; or~~
 18 ~~(C) reckless homicide as a Level 5 felony under~~
 19 ~~IC 35-42-1-5; or~~
 20 ~~(D) unlawful carrying of a handgun as a felony under~~
 21 ~~IC 35-47-2-1.5;~~
 22 ~~(2) there is probable cause to believe that the child has~~
 23 ~~committed the act; and~~
 24 ~~(3) the child was at least sixteen (16) years of age when the act~~
 25 ~~charged was allegedly committed;~~
 26 ~~unless it would be in the best interests of the child and of the safety and~~
 27 ~~welfare of the community for the child to remain within the juvenile~~
 28 ~~justice system.>[in any court for a crime punishable by a term of~~
 29 ~~imprisonment exceeding one (1) year.~~
 30 (8) A crime or offense "punishable by a term of imprisonment
 31 exceeding one (1) year" does not include a federal or state crime
 32 or offense pertaining to antitrust violations, unfair trade
 33 practices, restraints of trade, or other similar offenses relating to
 34 the regulation of business practices.
 35 (b) Except as provided in subsections (c) and (d), the following
 36 persons may not knowingly or intentionally carry a handgun:
 37 (1) A person convicted of a federal or state offense punishable
 38 by a term of imprisonment exceeding one (1) year.
 39 (2) A fugitive from justice.
 40 (3) An alien.
 41 (4) A person convicted of:
 42 (A) a crime of domestic violence (IC 35-31.5-2-78);

HB 1249—LS 6693/DI 144



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- 1 (B) domestic battery (IC 35-42-2-1.3); or
 2 (C) criminal stalking (IC 35-45-10-5).
 3 (5) A person restrained by an order of protection issued under
 4 IC 34-26-5.
 5 (6) A person under indictment.
 6 (7) A person who has been:
 7 (A) adjudicated dangerous under IC 35-47-14-6;
 8 (B) adjudicated a mental defective; or
 9 (C) committed to a mental institution.
 10 (8) A person dishonorably discharged from:
 11 (A) military service; or
 12 (B) the National Guard.
 13 (9) A person who renounces the person's United States
 14 citizenship in the manner described in 8 U.S.C. 1481.
 15 (10) A person who is less than (A) eighteen (18) years of age; or
 16 (B) twenty-three (23) years of age and has an adjudication as a
 17 delinquent child for an act described by IC 35-47-4-5, unless
 18 authorized under IC 35-47-10.
 19 (c) Subsection (b)(4)(A) and (b)(4)(B) does not apply to a person
 20 if a court has restored the person's right to possess a firearm under
 21 IC 35-47-4-7.
 22 (d) A person who has:
 23 (1) been adjudicated dangerous under IC 35-47-14-6; and
 24 (2) successfully petitioned for the return of a firearm under
 25 IC 35-47-14-8 with respect to the adjudication under subdivision
 26 (1);
 27 is not prohibited from carrying a handgun under subsection (b) on the
 28 basis that the person was adjudicated dangerous under subdivision (1).
 29 However, the person may still be prohibited from carrying a handgun
 30 on one (1) or more of the other grounds listed in subsection (b).
 31 (e) A person who violates this section commits unlawful carrying
 32 of a handgun, a Class A misdemeanor. However, the offense is a Level
 33 5 felony if:
 34 (1) the offense is committed:
 35 (A) on or in school property;
 36 (B) within five hundred (500) feet of school property; or
 37 (C) on a school bus; or
 38 (2) the person:
 39 (A) has a prior conviction of any offense under:
 40 (i) this section;
 41 (ii) section 1 of this chapter (carrying a handgun
 42 without a license) (before its repeal); or

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HB 1249—LS 6693/DI 144



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(iii) section 22 of this chapter; or
(B) has been convicted of a felony within fifteen (15) years
before the date of the offense.
 SECTION 2. IC 35-47-10-5, AS AMENDED BY P.L.148-2024,
 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2026]: Sec. 5. (a) A child who knowingly or intentionally or
recklessly possesses a firearm for any purpose other than a purpose
described in section 1 of this chapter commits dangerous unlawful
possession of a firearm by a child, a Class A misdemeanor, except as
otherwise provided in this section.
(b) An offense under subsection (a) is a Level 6 felony if:
(1) the child has a prior conviction under this section; or
(2) the child has been adjudicated a delinquent for an act
that would be an offense under this section.
(c) However, the An offense under subsection (a) is a Level 5
felony if: the child has a prior conviction under this section or has been
adjudicated a delinquent for an act that would be an offense under this
section:
(1) the child has at least two (2) unrelated prior convictions
under this section;
(2) the child has at least two (2) unrelated prior delinquency
adjudications for an act that would be an offense under this
section;
(3) the child has at least one (1) unrelated prior:
(A) conviction under this section; and
(B) delinquency adjudication for an act that would be an
offense under this section; or
(4) the offense is committed:
(A) on or in school property;
(B) within five hundred (500) feet of school property; or
(C) on a school bus.
(b) (d) A child who knowingly or intentionally provides a firearm
to another child whom the child knows:
(1) is ineligible for any reason to purchase or otherwise receive
from a dealer a firearm; or
(2) intends to use the firearm to commit a crime;
commits a Level 5 felony. However, the offense is a Level 3 felony if
the other child uses the firearm to commit murder (IC 35-42-1-1).
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