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HOUSE BILL No. 1249

Proposed Changes to January 14, 2026 printing by AM124902

DIGEST OF PROPOSED AMENDMENT

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.

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), if
- 17 charged as a felony;
- 18 > (9)> IC 35-47-10 (children and firearms), if charged as

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

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1 of transfer of jurisdiction.
2 (d) A court having adult criminal jurisdiction, and not a juvenile
3 court, has jurisdiction over a person who is at least twenty-one (21)
4 years of age for an alleged offense:

- 5 (1) committed while the person was a child; and
- 6 (2) that could have been waived under IC 31-30-3.

7 This subsection applies to a criminal proceeding for an alleged offense
8 regardless of whether the offense was committed before, on, or after
9 July 1, 2023, or the juvenile becomes twenty-one (21) years of age
10 before, on, or after July 1, 2023.

11 SECTION 2. IC 31-30-3-5, AS AMENDED BY P.L.148-2024,
12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2026]: Sec. 5. Except for those cases in which the juvenile
14 court has no jurisdiction in accordance with IC 31-30-1-4, the court
15 shall, upon motion of the prosecuting attorney and after full
16 investigation and hearing, waive jurisdiction if it finds that:

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

- 19 (A) a Level 1 felony, Level 2 felony, Level 3 felony, or
20 Level 4 felony, except a felony defined by IC 35-48-4;
- 21 (B) involuntary manslaughter as a Level 5 felony under
22 IC 35-42-1-4; ~~or~~
- 23 (C) reckless homicide as a Level 5 felony under
24 IC 35-42-1-5; ~~or~~
- 25 ~~(D) unlawful carrying of a handgun as~~
26 ~~a felony under ~~IC 35-47-2-1~~ [IC 35-47-2-1].5;~~
27 or
28 (E) dangerous possession of a firearm as a felony under
29 IC 35-47-10;

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

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

34 unless it would be in the best interests of the child and of the safety and
35 welfare of the community for the child to remain within the juvenile
36 justice system. [

37 SECTION 2. IC 35-47-10-5, AS AMENDED BY P.L.148-2024,
38 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2026]: Sec. 5. (a) A child who knowingly, intentionally, or
40 recklessly possesses a firearm for any purpose other than a purpose
41 described in section 1 of this chapter commits dangerous possession of
42 a firearm, a Class A misdemeanor. However, the offense is a Level 5



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1 felony if:
 2 (1) the child has a prior conviction under this section or has been
 3 adjudicated a delinquent for an act that would be an offense
 4 under:
 5 (A) this section; or
 6 (B) IC 35-47-2-1.5; or
 7 (2) the offense is committed:
 8 (A) on or in school property;
 9 (B) within five hundred (500) feet of school property; or
 10 (C) on a school bus.
 11 (b) A child who knowingly or intentionally provides a firearm to
 12 another child whom the child knows:
 13 (1) is ineligible for any reason to purchase or otherwise receive
 14 from a dealer a firearm; or
 15 (2) intends to use the firearm to commit a crime;
 16 commits a Level 5 felony. However, the offense is a Level 3 felony if
 17 the other child uses the firearm to commit murder (IC 35-42-1-1).
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